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Bloody Register.

A Select and Judicious

COLLECTION

OF THE

Most Remarkable TRIALS,

FOR

MURDER, TREASON, RAPE, SODOMY,
HIGHWAY ROBBERY, PYRACY,
HOUSE-BREAKING, PERJURY, FOR-
GERY, and other high Crimes and
Misdemeanors. From the Year 1700,
to the Year 1764 inclusive.

*Learn to be wise from others Harms,
And you shall do full well.*

V O L. IV.

L O N D O N,

Printed for E. and M. VINEY, in Ivy-Lane, near
Pater noster-Row; and sold by all Booksellers
and Stationers in Town and Country.

MDCCLXIV..

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A Series and Index

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Printed by J. Smith, in Strand, near
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MDCCLXIV.

[1]

THE BLOODY REGISTER.

*A Narrative of the Life, Trial, Conviction
and Execution of Miss BLANDY, for
Parricide, intermixed with Memoirs of the
Life, Intrigues, and Adventures of Capt.
CRANSTOUN.*

CAPTAIN WILLIAM HENRY CRANSTOUN was born of a noble family in Scotland; the paternal estate, however, is not very large; and as the Captain was but a younger son, the fortune which was left him, was no more than 500 l. the interest of which at 5 *per. cent.* was his whole subsistence, to be paid him by his elder brother, in whose hands the principal was vested. To help him out of this narrow situation, his friends got him a commission in the army. But the Captain being intoxicated with the high notions of his nobility, could not confine his expences to his income; but an affectation of politeness of taste in all the fashionable diversions, reduced him to such streights and difficulties, as often put him upon unwarrantable means to remedy.

As a relief for his urgent necessities, he thought his best way would be to marry a woman of fortune. Accordingly he found one to his liking, whose fortune, tho' not great, yet was as large as he could expect, considering the small jointure he could settle her in, and that he had but little more than his commission to maintain him and his family. This, however, with a tolerable œconomy, would have been a pretty provision. But as frugality was not his talent, we shall soon see to what terrible dilemmas his profusion carried him.

In the year 1746, the regiment he belonged to, having suffered pretty much in the late Rebellion, his colonel sent him a recruiting into Oxfordshire. Coming to Henley upon Thames, he paid a visit to Lord Mark Kerr, his uncle, who was then settled in that neighbourhood. It happened, that Miss Mary Blandy was there on a visit at the same time, who, the Captain before had heard, was a great fortune. Here their acquaintance commenced; and from that hour he began to scheme out measures to get possession both of her person and fortune.

Miss Mary Blandy was, at that time, about twenty six years of age, only daughter of Mr. Francis Blandy, Attorney at law, and Town-clerk of Henley in Oxfordshire, who married the daughter of Mr. Serjeant Stephens.

As they had no issue of their marriage but this daughter, they were extremely fond of her; and therefore made it their whole study to furnish her with the best accomplishments of
her

sex. This task her mother undertook; and not only instructed her in those rudiments of knowledge which were proper for one of her rank, but likewise instilled into her the principles of religion and piety.

Miss soon discovered a happy genius, in imbibing and improving the endowments given her by her mother. As to her temper, she was sprightly, affable, and polite; and with respect to her person, though she could not be reckoned a beauty, yet was agreeable, and her conversation engaging.

With regard to Mr. Blandy her father; he lived in great reputation, his business flourishing, and well respected by all sorts of people. Thus happily situated, he thought it a piece of policy to cherish the good opinion the world entertained of him, and his opulent circumstances, in order that some gentleman of estate might seek his alliance in the Marriage of his daughter.

But be this as it will, the young lady was cried up for a great fortune, and consequently drew a great number of admirers and visitants to her father's house. But among all her adorers, none were so remarkably distinguished as the gentlemen of the army; and indeed, Mr. Blandy himself was so delighted with the conversation of these officers, that he was never better pleased than when he entertained some of them at his table.

It is easy to imagine, that when she was arrived at years of maturity, she had an inclination to marry; and that several disappointments she had met with, by the dislike of her father

A *A Narrative of the Life, &c.*

to the offers that had been made, had pretty much soured her temper, and even raised in her mind a prejudice against her father; as appeared plain enough from her saying, *that the old gentleman did not use her well; that when likely offers were made, he found means to evade giving his consent for her marriage, because he did not chuse to give her a fortune.*

But among all Miss Blandy's admirers, her more especial regards were for the gentlemen of the army; and it was generally supposed she was on the point of marriage with one Capt. D-----, with whom she frequently walked in the fields and meadows about Henley, and seemed very fond of him on all occasions; but whatever was the reason, this match was not concluded. Upon which Capt. Cranstoun resolved to push his fortune.

Cranstoun was then about forty six years of age; and though of a mean aspect, yet was possessed of some talents that generally take with the fair sex; that is a genteel behaviour, complaisance and polite flattery; to which if we add the honour and title of his own family, and his relation to others of the nobility, there is no wonder that either Mr. Blandy or his daughter should entertain and care for him in an extraordinary manner.

After the Captain's first accidental interview with Miss at Lord Mark Kerr's, being much delighted with her conversation, and much more so when he understood she was a great fortune, soon found means to insinuate himself into the acquaintance of her father, which was not very difficult to do after a man knew his weak side; which was, to be fond of applause, with an affectation

fection of familiarity and friendship with men of figure and eminence.

Cranstoun knew how to turn this foible to his own advantage. Accordingly he made frequent visits in Mr. Blandy's family, where he never failed of making a parade of his noble birth, and great alliances; by which means he gained so great a share in the old gentleman's favour, that he was never easy but when he enjoyed the Captain's company; who, at length, became, as it were, one of his family, lodged at his house, constantly fed at his table; and consequently had all the opportunities he could wish of pushing his design on the young lady.

That he was perfect master of the art of courtship, is evident from hence; that he was capable of making an impression on the heart of a lady, who was remarkable for the excellence of her understanding, and who could not but see the despicable figure her lover made; diminutive in his stature, disfigured by the small-pox to such a degree, that his face appeared in seams, blear-eyed and of a very mean aspect. Yet, notwithstanding all these disadvantages, he was able to surmount all difficulties, and gain an absolute command of the lady's affections.

The Captain perceiving he had made no small progress in her good opinion, took advantage of a declaration she herself made, in a conversation they had upon the topic of love: for she told him of an advantageous match that had been made to her, but was afraid the gentleman was not formed to make her happy, whereupon Cranstoun naturally asks her 'whether she did not prefer mutual love to the gran-

‘dear of life?’ and her answer (still more unguarded than her declarations) ‘that she preferred the man she loved and esteemed before all others,’ gave him a fair opportunity to make a free and undisguised offer of his love.

But, in order to convince her of his sincerity, and to prevent her surprize from any intelligence she might afterwards receive, he introduces his proposal, by informing her, that he had a very intricate affair then depending in Scotland, which was no less than a charge of being married to another woman, the validity of which was to be tried in a Court of Judicature; and so confident was he of the share he already had in her affections, that he very *modestly* asked her, ‘if she loved him well enough to stay till this affair was determined.’ Her condescension in the reply is equally remarkable: ‘if my papa and mama would approve of my staying for you, I readily consent thereto!’

This courtship, however, was not managed so secretly, but it came to the ear of Lord Mark Kerr, the Captain’s uncle, who immediately informed Mr. Blandy, that so he might preserve the honour of his family, and his daughter from ruin; assuring him, that Mr. Cranstoun had then a wife and children in Scotland.

Mr. Blandy was greatly alarmed, and instantly acquainted his daughter with it, and likewise the Captain; she was not at all surprized at the news, being before prepared for it; and as to the Captain, he put on a good assurance, declared that it was no more than a little scene of gallantry; that he had entered into an idle contract

contract with a girl in Scotland, but that he was never legally married; that he was able to set it aside without the least difficulty, and that he would soon do it by an appeal.

The mother, it seems, was no less infatuated than her love-sick daughter. For when the Captain averred upon his soul that he never was married, she only replied, *very well, I will take your word for that*, which, if not true, must necessarily be the utter ruin of her only and beloved child!

But though the Captain seemed to make light of this affair of the Scots marriage, and carried it off with an air of indifference; yet inwardly he was terribly chagrined that his uncle should make such an unlucky and unseasonable a discovery, which he was sensible would be an eternal bar to the great project he had of bettering his fortune, if he could not contrive some scheme to get his first marriage annulled, not that he had any objection to the person, or conduct, or virtue of his wife; but so long as he was obliged to maintain her and her children, his means for his own support were so small, that he could not make that figure in life, to which his ambition aspired.

Having beat his brains for some time to find an expedient to help him out of this emergency; he could think of no better than to persuade her to disown him for a husband: for which purpose he writes her a letter to the effect following, *viz.*

That having no other way of rising to preferment, but in the army, he had but little ground to expect advancement there, so long as it was known he was

incumbered with a wife and family; but could he once pass for a single man, he had not the least doubt of being quickly preferred; which would procure him a sufficiency to maintain her as well as himself in a genteeler manner than now he was able to do. All therefore (adds he) I have to request of you, is, that you will transcribe the inclosed copy of a letter, wherein you disown me for a husband, put your maiden name to it, and send it me by the post; all the use I shall make of it will be, to procure my advancement, which will necessarily include your own benefit. In full assurance that you will comply with my request, I remain

Your most affectionate husband,
W. H. CRANSTOUN.

His wife however could not be easily induced to renounce her claim, though she had no great reason to be satisfied with his behaviour to her; for having little or no subsistence but what depended on his friends, she was afraid, if she should deny herself to be his wife, they would withdraw their kindness from her. The Captain, however, repeated his request with great earnestness, as if the whole happiness of his life depended on her granting him this single favour. After abundance of entreaty on his part, and reluctance on hers, she at last suffered herself to be imposed upon, copied his letter, by which she disowned herself to be his wife, and subscribed it with her maiden name, Murray.

No sooner had the Captain got this acknowledgment under her own hand, but with a baseness and ingratitude that can hardly be paralleled, he sent copies of her letter both to her relations and his own in Scotland; which

so alienated their minds, that both the one and the other withdrew their support from her, whereby she was reduced to the utmost poverty and distress.

Not satisfied with this usage of a woman, to whom he had no objection, but that she was his wife, he commenced an action to prove the illegality of his marriage, as a ground for a divorce, with a view to deceive Mr. Blandy.

Upon this he brought on his cause to be heard before the Judges in Scotland, where he produced her letter as an evidence against her, which greatly inclined the judges to favour his cause. But when the wife came to make her defence, and produced the letter, in his own writing, which she had only copied at his request, for the reasons above assigned; and declared, that nothing but a public insult upon her virtue, could have induced her to detect his villainy; as soon as she produced this letter, and verified it to be his own hand-writing, the Court gave a verdict against the Captain, and confirmed their marriage. Upon which her relations took her again into favour, as an object worthy their compassion. Not satisfied with this verdict, the Captain appealed to the next Sessions.

But notwithstanding this miscarriage, the Captain kept up his spirits, and persuaded Mr. Blandy, that the affair could not be decided till next Sessions, when he had not the least doubt but it would terminate in his favour; and gave him such plausible reasons, as prevailed on him till that time.

Mean while the Captain pursues his amour with Miss Blandy with as much eagerness as
ever;

ever; and, not trusting to the uncertain event of his law-suit, makes use of all his cunning to get possession of his fair Mistress, without running the hazard of a second disappointment. To which purpose he persuaded her, with all the power of his rhetoric, to consummate their marriage privately. Miss, however, was not so blinded with love, as absolutely to renounce the use of her reason to oblige him, and could not be prevailed upon to grant his request.

In the mean time, the Captain's wife, in Scotland, understanding what use her husband had made of her condescension, in facilitating a match he was about to make with a lady at Henley, thought it highly necessary to disabuse that lady and her friends, in order to prevent the mischievous consequences of their ignorance. Accordingly she writes letters to Mr. Blandy and his daughter, to inform them she was Mr. Cranstoun's lawful wife; inclosing at the same time the decree of the Court of Scotland, whereby their marriage was absolutely confirmed. This, one would imagine, was enough to disperse those mists from Miss Blandy's eyes, with which Cranstoun's fallacious arguments had beclouded them, and to convince her that he was no better than an impostor. Instead of which, she consults her mother in what manner she should behave on this critical occasion. Her mother advises her to write to him (for he was not yet returned from Scotland) to beg and require him, upon his honour, to let her know the truth: thus she makes her application to him only, whose interest it was to deceive her. But it was not long before

fore the Captain returned, when he exerted all his eloquence to convince the father, mother, and daughter, that his cause was not finally determined, that he had lodged an appeal, and that the next Sessions he should have a rehearing, when he did not in the least question, but his pretended marriage would be absolutely annulled. But though the mother and daughter seemed quite satisfied, yet the old gentleman was afraid there was a snake in the grass, and began to entertain doubts and suspicions of the sincerity of his guest; which Cranstoun saw plain enough, and often took notice of it to Miss.

But though the father did not express that cordiality for him, as he did formerly, yet this was abundantly made to him by the uncommon affection of the mother, who shewed him more than a maternal fondness. One instance of which take as follows. The old Lady being on a visit to one Mrs. Pocock, of Turnvile-Court, was seized with a violent disorder, which obliged her to continue there some time. But in the height of her illness, her constant cry was, *let Cranstoun be sent for*. Cranstoun was then at Southampton with his regiment; but on his receiving a summons from Miss, to come away directly, he obeyed, and was soon with her, and immediately waited on the sick Lady, who was so transported at the sight of him, that she immediately raised herself up in her bed, took him about the neck in a most affectionate manner; adding these words to this fond action, *my dear Cranstoun, I am glad you are come, I now shall grow well soon*. Nay, she carried her fondness to such an extravagant pitch, that

that Cranstoun only must be her nurse, and administer ever thing that was prescribed for her. And so efficacious was his care of her, that, though before he came, she was judged to be in the utmost danger, yet the very next day after his arrival, she got up, and on his coming into the room, said, *this I owe to you, my dear Cranstoun; your coming has given me new health, and fresh spirits. I was fearful I should die, and you not here to comfort that poor girl: how like death she looks!*

Another instance of Cranstoun's weight and importance in the family was this. While Miss and her mother were in London, the old Lady was greatly distressed for money, having contracted a considerable debt unknown to her husband, which she was at a loss for means to discharge. While they were both fretting and teasing themselves about this unlucky affair, Cranstoun comes in, and finds Miss in tears, and on enquiring into the reasons, is told, that her mother was under the greatest perplexity on account of the said debt. Cranstoun asked, what was the sum wanted, and promised to raise the money; and accordingly, in a short time, he brought 40 l. and threw into the old Lady's lap; who was surprized at this uncommon instance of his generosity, that for a while she stood speechless, and could only squeeze his hand, and burst into tears. But, to relieve her, he kissed her, and said, *remember 'tis a son, and therefore don't make yourself uneasy; you don't lie under any obligation to me.* But Miss going to express her own gratitude for the favour, was prevented by his kissing her too, and saying, *that was all he desired in return.*

Now,

Now, it will naturally be asked, how, where, and for what this debt was contracted, and whether ever he had his money again? the debt, it seems, consisted of two parts, *i. e.* 10 l. of it was contracted in London, and the remaining thirty pound at Henley: as to the first it is supposed, that these Ladies, in company with their dear friend and familiar Cranstoun, were willing to partake of all the fashionable diversions of the town, during their stay in it. Then, as to the thirty pound the other part of the debt, it was contracted at Henley, for fowls, butter, eggs, wine, and other provisions, chiefly on account of entertainments made for the Captain, when Mr. Blandy was in London, and detained there on business.

As to the question, whether the Captain ever had his money again? he certainly had, and in this manner. Cranstoun, after the death of Mrs. Blandy, perceiving his reception by Mr. Blandy, was not so hearty as heretofore; began to doubt the issue of his amour. This puts him upon schemes for recovering the money he had lent the old Lady in her distress. Upon this, being then in London, and invited by Miss into the country, he writes her a letter, full of heavy complaints, that he was not able to stir out of doors for fear of the Bailiffs, his fortune in Scotland being seized for the maintenance of his wife, (Miss Murray, as he called her) and her child; and that the debt, which occasioned his perplexity, was near 15 guineas. Miss very readily remits him the sum he wanted, being part of 40 l. she borrowed of one Mrs. Monteney, to pay off her mother's debts. Upon receiving this relief he comes to Henley; where

where he had not been long before he puts on a gloomy and thoughtful air; which Miss observing, demands the reason. He shews her a dunning letter he had just received from one of his creditors in London, for a debt of fifteen pound, Miss immediately gave him the money. After this, she made him a present of her watch, which no doubt made up the deficiency, and paid him in full for the money he had advanced.

The Captain's affairs becoming desperate, and receiving frequent intimations, that his company was no longer agreeable to Mr. Blandy, he takes his leave, in order, as he pretended, to hasten on the appeal, which he would certainly bring on the next Sessions in Scotland. But before he went, in a conference he had with Miss Blandy, he complained, that her father's behaviour towards him was greatly altered from what it had been; that he was not conscious that he deserved such ill treatment at his hands; that however he had still the same respect for him as ever, and that he was resolved, if possible to regain his affections. For which purpose, as soon as he should get into Scotland, he would send her some powder, which he knew to be such a friendly and conciliating nature, that if she would give them to her father, in such quantities as he should prescribe, he was very certain, that, by their help, he should recover the love of his old friend; that he would put up the powder in papers, and to prevent suspicion, he would write upon them, *powder to clean the Scotch pebbles*. Miss promised to give her father the powders, in the manner, he (Cranstoun) should direct,

direct, not, as may be charitably imagined, in the least suspecting his villainous design, or the terrible effects they would produce.

Miss was as good as her word, and gave him the powders first in tea, and afterwards in water-gruel; the consequence of which was, his death; and there being sufficient proof that she gave him powders in his gruel, there were just grounds to suspect her of the murder. Upon which she was taken into custody, committed to Oxford gaol, and March 3, 1752, was brought to her trial.

The trial lasted 13 hours, and consequently a great number of witnesses were examined: but as a general view of the evidence will give a competent idea of the nature of the crime, of which the prisoner was convicted, we shall only relate so much of it as fixes the fact upon her.

The principal witness was Susan Gunnel, the maid-servant, who deposed, that on the Sunday sevensnight before his death, her master being out of order, she made him some water-gruel, put it in a pan, and set it in the pantry; that on Monday the prisoner told her she had been stirring the water-gruel, and eating the oatmeal out of it, and gave her papa a half-pint mug of it that night; that the next day the prisoner gave him some more of the same gruel, which disordered him very much, and he took physic; that on Wednesday the prisoner came into the kitchen, and said to her (this witness) that as her master had took physic he might want some gruel, and that she might give him the same again, and not leave her work, as she was ironing, to make fresh; to which

she answered, it was stale, and she would make fresh, and did so; that she had the evening before taken up the pan, and disliked the taste, and now tasted it again, and putting the pan to her mouth, observed some whiteness at the bottom, and told Betty Binfield her fellow-servant, that she never saw oatmeal settlement so white before. Oatmeal! says Betty, I think it looks as white as flour; she then took it out of doors where there was more light, and putting her finger to the bottom of the pan found it gritty; upon which she recollected that poison was white and gritty, which made her fear that this was poison; she therefore locked it up in a closet, and on Thursday morning, carried it to Mrs. Montenev, who gave it to Mr. Norton and Dr. Addington. She further deposed, that on Wednesday morning, after she had given her master the physic, she gave Anne Enimet, the chair-woman, the water-gruel that had been before made for her master, which threw the woman into such a fit of purging and vomiting, as had very near occasioned her death.

Mr. Blandy being now tortured with the most racking pains in his bowels, and every part of him, occasioned, in the opinion of the doctors who attended him, by poison, the prisoner, on the Monday following, came into the room, and falling on her knees to her father, said, Sir, *banish me where you please, do with me what you please, so you do but forgive me; and as for Cranstoun, I will never see him, speak to him, or write to him more, as long as I live, if you will forgive me.* To which her father made answer, *I forgive thee, my dear, and I hope God will forgive thee;*

thee; but thou should'st have considered better, before thou attemptedst any thing against thy father; thou should'st have considered I was thy own father.

The prisoner then said, *Sir, as to your illness, I am entirely innocent.* To which this witness replied, *Madam, I believe you must not say you are entirely innocent, for the powder left in the water-gruel, and the paper of powder taken out of the fire, are now in such hands that they must be publickly produced; adding, that she herself had taken about six weeks before, a dose in tea, that was prepared for her master.*

To which the prisoner answered, *I have put no powder in tea, I have put powder in water-gruel; if you have received any injury, I am entirely innocent; it was given me for another purpose.* Her father, hearing this, turned himself in his bed, and said, *O such a villain! come to my house, eat of the best, and drink of the best my house could afford, should take away my life, and ruin my daughter! O! my dear, thee must hate the man, thee must hate the ground he goes on, thee canst not help it.* To which the prisoner replied, *Sir, your tenderness to me is like a sword to any heart, every word you say is like swords piercing my heart, much worse than if you were to be ever so angry. I must down on my knees, and beg you will not curse me.* To which her father answered, *I curse thee my dear! how should'st thou think I could curse thee! No, I bless thee! and hope God will bless thee, and amend thy life. Do, my dear, go out of the room; say no more, lest thou should'st say any thing to thy own prejudice. Go to thy uncle Stephens, take him for thy friend. Poor man! I am sorry for him.* This witness further said, *that the Saturday before, about noon, the pri-*

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soner came into the kitchen, and put some papers in the fire, and thrust them down with a stick; on her leaving the kitchen, this witness, and Betty Binfield, took a paper out of the fire, with this written upon it, *the powder to clean the pebbles*. On the same day, Saturday morning, she (this witness) carried her master something to drink, and said to him, Sir, I believe you have got something in your water-gruel that I am afraid has hurt you, and I believe Miss Blandy put it in, by her coming into the wash-house and saying, that she had been stirring her papa's gruel, and eating the oatmeal out of it. Upon which he said, *I find I am not right, my head is not right as it used to be, nor has been for some time*. The witness told him she had found a powder in the pan; upon which he said to her, *do'st thou know any thing of this powder, didst thee ever see any of it?* she said, no, none but what she saw in the water-gruel. He then asked her, if she knew or could guess where she had this powder? she replied, *I can't guess any where except from Mr. Cranstoun; my reason is, because Miss Blandy has lately had letters oftner than usual*. Her master then said, *now you mention it, he talked of a particular poison they had in his country. O that villain, that he ever came into my house!* she likewise told him, she had shewn the powder to Mr. Norton the apothecary, who had taken care of it, and thought it would be proper for him (her father) to seize her pockets with her keys and papers; to which he said, *I can't do it; I can't shock her so much.---But canst not thee take out a letter or two, which she may think she has dropped by chance?* The witness replied, no, Sir, I have no right, she

she is your daughter; you may do it and nobody else.

The next witness was Elizabeth Binfield, who deposed, that her master Mr. Blandy, about a fortnight before his death, complained of unusual pains and prickings; that she had often heard the prisoner mention walkings and music she had heard in the house, and thought it to be her mother; and three quarters of a year before her master's death, the prisoner told her that the music presaged her father's death, and continued talking in the same manner till the time of it: that she had often heard her say, he would die before October; and that Mr. Cranstoun had informed her, that one Mrs. Morgan, a cunning woman, in Scotland, had said so; that the prisoner used to appear glad when she spoke of the prospect of her father's death, for that then she should be released from all her fatigues, and be happy; that she heard the prisoner say, that her father complained of a ball of fire in his guts before the Monday on which he took the water-gruel; that on Saturday the 10th of August, she took the paper out of the fire, and delivered it to Dr. Addington and Mr. Norton; that when Susan Gunell was ill, the prisoner asked this witness, *if Susan had taken any of her father's water-gruel?* and upon her answering, she knew not, the prisoner said, *if she does, she may do for herself, may I tell you that.* That she heard the prisoner say, *who would grudge to send an old father to hell for 10, 000 l?* and this she introduced by talking of girls being kept out of their fortunes: that she had often heard her the prisoner curse her father, and call him rascal and villain: that upon

Saturday the 10th of August, she was in the kitchen when her master was shaving, and the prisoner was there; and her master said, he had liked once to have been poisoned at a public house, to which the prisoner said, she remembered it very well; her master said, that one of the company died immediately, the other is since dead, but it is my fortune to be poisoned at last; and then looked hard at the prisoner, who appeared in great confusion, and seemed all in a tremble; her master said farther, that it was white arsenic that was put into the wine. That she sat up with the prisoner the night before her father died, when the prisoner promised, if she would go to the Bell, or Lion, and hire a post-chaise, she would give her 15 guineas at her getting into the chaise, and ten guineas more when they got to London; but on her refusing to comply with this request, the prisoner burst into a laugh, and said, she was only joking. This witness likewise confirmed the evidence of Susan Gunnell, in relation to the powder found in the gruel, with other circumstances.

Mr. Littleton, Mr. Blandy's clerk, deposed, that on Sunday the 14th of August, the prisoner put a letter into his hand, and bid him direct it as usual (as he had often done before) which he understood to be to Mr. Cranstoun, to seal it, and to put it into the post; but having reason to suspect some foul play was going forwards, he opened the letter, transcribed it, carried it to Mr. Norton, and read it to his master, who only said, *poor love-sick girl! what will not a girl do for a man she loves?* this letter was wrote in these terms.

Dear

Dear Willy,

My father is so bad that I have only time to tell you, that if you do not hear from me soon again, don't be frightened. I am better myself. Lest any accident should happen to your letters, take care what you write; my sincere compliments. I am ever yours.

He further said, that he had often heard her curse her father, damn him for an old rogue, and a toothless old dog, within two months of his decease, and a great while before.

The doctors, Addington and Lewis, who attended him in his illness, declared it as their joint opinion, that he died by poison; that they had made experiments on the powder found in his gruel, and had proved it to be white arsenic.

Many other witnesses were called, who corroborated the evidence before given; and their examinations being finished, the prisoner was then called upon to make her defence.

In her defence, she complained much of the hardships she had undergone, both before and after her commitment to prison. Then, as to the crime with which she was charged, of poisoning her father, she said, she really thought the powder was an innocent inoffensive thing, and gave it him to procure his love; that is, as she explained it, his love towards Mr. Cranston.

The Judge having summed up the evidence, the Jury without going from the bar, brought her in guilty of the indictment.

Death.

The

The day before her execution, she received the sacrament of the Lord's supper; and at the same time signed a paper, in which she declared, that she did not know or believe, that the powder, to which the death of her father had been ascribed, had any noxious or poisonous quality lodged in it; and that she had no intention to hurt, and much less to destroy him, by giving him that powder.

The night before her execution, she spent the greatest part of it in prayer; and the next morning was conducted to the fatal tree; her countenance was solemn, and her deportment suitable to the sad occasion. At the gallows, she declared herself guilty of administering the powder to her father, but without knowing it had the least poisonous quality in it, or intended to do him any injury, as she hoped to meet with mercy at the great tribunal before which she should very shortly appear. And as it had been rumoured that she had been instrumental in the death of her mother in the like manner as her father, and also of Mrs. Pocock, she declared herself not even the innocent cause of either of their deaths (if she was the innocent cause of that of her father) as she hoped for salvation in a future state.

Having mounted the ladder, and a halter being put round her neck, she pulled her handkerchief over her face, without shedding a tear all the time. In this position she prayed a little while upon the ladder; and then gave the signal by holding out a little book, she had in her hands. Her body, after it had hung a due time, was cut down, put in a hearse, and conveyed to Henley, and about one o'clock the next morning,

morning, was interred between her father and mother.

Let us now return to Capt. Cranstoun, who, as soon as he heard Miss was committed to Oxford gaol, secreted himself from the public; so that when messengers were dispatched to apprehend him, he was not to be found. In this concealment (either in Scotland or the North of England) he lay for six months, that is, from the middle of August till a few days before Miss Blandy's trial, which came on the 2d of March; when being well informed of the dangerous situation she was in, and that his own fate depended upon hers, he thought it high time to take care of himself; which he did by transporting himself to Bologn in France.

On his arrival at Bologn, he found out one Mrs. Ross, a distant relation to his family. He acquainted her with the troubles he was involved in, and entreated her to protect and conceal him till the storm was a little blown over; she promised she would, but advised him to change his name to that of Dunbar, which had been her own.

Here he thought himself secure; but some of his wife's relations, who were officers in a French regiment quartered there, got scent of him, and threatened vengeance if ever they should meet with him, for his inhuman usage of that unhappy woman; which obliged the Captain to keep very close.

But being at length weary of his confinement, and fearing he should one day fall a sacrifice to the resentment of his persecutors, after mature deliberation, it was agreed, that he and his two companions should take a trip to Paris;

Paris; while Mrs. Ross, in order to secure him a retreat, was to go to Furnes, a town in Flanders, where they would come to her on their return.

Accordingly they set out for Paris, where having spent about a fortnight, they went to Furnes to their good landlady. Their landlord was likewise then just returned from England, whither the Captain had sent him to receive money for a bill of 60*l.* which was the only remittance that was sent him from his arrival in France till the time of his death.

Not long after his return to Furnes he was taken with a severe fit of illness, which had this effect upon him, that now he began to reflect on his past life, in which he found such a black list of atrocious villainies, as drove him almost to despair. In this miserable condition he languished till he bethought himself, that possibly he might receive some spiritual relief from a father, famed for his piety, in a neighbouring Convent. To him he addresses himself; and the good father, having brought him to a due sense of his sins, applied the healing remedy of absolution, on the penitent's declaring himself reconciled to the church of Rome. Upon his death, which happened soon after, a solemn mass was sung at his funeral, and the magistrates and corporation of the town were invited to attend his corpse, and walk in procession to his grave.

I shall only add, that the Captain's wife, by his death, came to enjoy the 75*l.* a year, the interest of the 1500*l.* which was his paternal fortune; and by his will, heir to the principal, to support her and her daughter; which was some recompence for the troubles and vexations he had occasioned her.

The

*The Trial of RANDOLPH BRANCH and
WILLIAM DESSENT, for Robbery and
Murder.*

RANDOLPH BRANCH and WILLIAM DESSENT, were indicted for robbing Joseph Brown on the high-way, of a silver watch, and five shillings in money, August 9, 1752.

Joseph Williams. On the 9th of August at night, about ten o'clock, as I was standing at my own door in Wiltshire-Lane, St. John's, Wapping, I saw Joseph Brown, whom I knew before, lying with his head fixed in the middle of the kennel on his right side; upon taking him up, I found him all of a gore blood, and made me as bloody as if I had dipt my hands in a pail of blood. He gave a very great sigh; I asked him if his name was Brown? he said, yes. I asked him if he lived at the sign of the King's-Head, at Mr. Lowrey's? he said, yes. Then I and the landlady of the Kings-head took him there, which was about ten yards off, and Mr. Pell, a surgeon, was sent for, who came and dressed him. I examined his breeches, turned out his pockets, and found nothing but a pencil in a side pocket.

Francis Backwell. Mr. Brown was clerk to the Brew-house to which I belonged. Hearing of this melancholy affair, I went and found him alive, but in a very bad condition, mangled, his cloaths extremely bloody, and speechless. His face was all over black, his mouth so beat that it would hardly open, and his head bound
up

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up. I consulted a person what to do in this affair, who said there were proper persons for that purpose; after which there came five or six thief-takers to the Brew-house; I told them I had suspicion of a person; they took up Spanish Jack (the person who was accomplice with, and evidence against Anthony de Rosa, for the murder of a man near the Barking-Dogs) and brought him to the Brew-house. He confessed he knew of the affair, and that four of them went out upon the *scamp*, as they called it. After that they took Branch, and locked him up, and then I went with them down to Deptford, where they took up three more, Dessent being one of them. Coming up the water, he acknowledged he was in the robbery, but denied the knocking down of Mr. Brown. They brought him up, and had him into a summer-house in the garden. He then said, he himself being lame, Branch took the stick, being nimbler than he, ran up, and knocked him down at the corner of Virginia-street. We took them before Justice Manwaring, where they each of them wanted to be made an evidence; his worship told them he would not admit either, but if they had any thing to say before him they might. They were examined apart, and each acknowledged the robbery. Dessent said, Branch knocked the man down, and Branch that Dessent did it. Branch acknowledged that he took the watch and 5s. and three keys from his pocket, which he afterwards threw away.

Edward Pell, Surgeon. I was called to attend Mr. Brown, on Saturday the 9th of August, about eleven at night; I found him with several wounds in his head, one large one under the left

left eye, the arteries were divided, his head and face very much swelled. I thought the wounds must be given with a blunt weapon, for they were bruises. The next day the people were taken, and brought into a room in the garden; there I heard Dessent acknowledge himself to be one of the persons, who committed the fact. I desired him to let me know with what weapon these wounds were given, because it might be of some service in the course of healing them. Dessent said, he believed the gentleman was knocked down with that stick; (*produced in court, it was a large oaken stick; quite out of size, being over-large with a knob to it*) he also said, that this piece was broken out in striking the blow. (*A splinter from out of the knot*) The stick then was bloody. Dessent then shewed me his legs, and said, you see I am not fit to enter into these exploits; I got into the company of young Branch, and he led me into the fact. He added, that Branch snatched the stick out of his hand, and made use of such an expression as this, *I will shew you how to knock a man down*, and instantly knocked down the gentleman.

Justice Manwaring. On Monday the 10th of August, the two prisoners were brought before me, and I examined them a-part. I asked Dessent what he had to say for himself about the charge laid against him, for robbing and murdering Mr. Brown? he said, he met Renny Branch, at the house of Mrs. Titchburne, in Rag-fair, about five o'clock on Sunday night, who asked him to go into the fields. He went with him and one Roberts, from an alehouse where they had some beer. Going along they

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met a man, and Branch knocked him down, and took from him a knife and 3d. After this they went to an ale-house in Radcliff-highway, where Roberts left them; and betwixt nine and ten o'clock Branch and he went out together, and going by the end of Virginia-street, leading to Wiltshire-lane, Branch said to him, with an imprecation, *d---n his eyes, here is a mark*, and twitching the stick out of his hand, stepped up to the man, knocked him down, and struck him several blows afterwards, but the man never spoke; he blamed him much for abusing the man. Branch took his watch and money from him, and went away, and when he came to Mrs. Titchburne's, he offered her the watch for 30s. telling her he had milled it; she took it, and said she would pay him for it next morning, when she gave him a guinea in gold, and 4s. in silver, and Branch gave him 16s. of the money.

Dessent being turned out, Branch was brought in, and asked what he had to say for himself? Branch wanted to know, if he might be admitted an evidence? the Justice answered, if he had any thing to say, he might say it freely and voluntarily, he would lay no injunction on him, nor give him any encouragement. Then he proceeded, and gave much the same account of their setting out in the morning, and their subsequent actions, as Dessent had done; and then said, as they were going along, Dessent swore, that the first man he met, he would knock his brains out, if he had no more money than the man they met before; when they came a little beyond the end of Virginia-street they met a man,

man, and Dessent knocked him down, and he never spoke afterwards, and hit him several blows after he was down, and bid him, Branch, take the watch and money, which he did; then they went into Well-close-square, where they met a man and knocked him down; but he crying out, and the neighbours coming together, they ran away, and took nothing from him.

The fact being thus sufficiently established, and brought home to the prisoners, and they having nothing to say in their defence, the Jury found them both guilty. *Death.*

They were both indicted a second time for the murder of Joseph Brown, August 9.

The same witnesses were examined over again, and deposed as in the former trial. But as Mr. Pell the Surgeon was very particular in describing the wounds the deceased received, we shall give his account as follows.

I found the deceased bleeding, his head and face very much bruised, and several large wounds in his head; one under the left eye; the temporal vein divided; the wounds seemed to be done with a blunt weapon; they were what we call contused wounds. I put up the divided vessels, stopped the effusion of blood, and made use of restraining applications, dressed him, and left him till the next day. I then desired the assistance of another surgeon, and Mr. Harrison, surgeon of the London Hospital was called in. I opened the man's head. After removing the rollers, the first thing that offered itself to our view was part of the brains lying on the hair on the outside of his head, just above the temple on the left side. Upon this, with the advice of Mr.

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Harrison, I made a large incision about five inches in length, in a semicircular shape, taking in best part of his forehead, and separated the scalp from the scull. When we had done this, we observed a prodigious fracture of the scull, the biggest I ever saw, it was broke into many pieces, several of which I extracted. I believe one splinter was drove two inches into the brain; we suffered a bone to remain, fearing the whole of the brain would come out. The man lay under great and horrible pain, which induced us to shorten the work. Every day after in the course of my attendance I hardly dressed him without taking out more pieces of the scull, that pressed in upon the substance of the brain. The third day, I discovered a large piece of bone loose, down the forehead; the fracture running down the forehead; there was a discharge of the brain from the inside. In a few hours after the extraction of this bone, he recovered his senses, which was on the third day; before, he lay as it were in a stupified way. I was very particular in asking him what he remembered of his being so used; and he always said, the first of it he remembered was my first dressing of him; he remembered nothing of what was done to him at the time of the robbery. He died the 31st of August, and was four days in dying. We had so great a discharge of the brain towards the latter end, that I did not care to open it. After he was dead, I opened him in Mr. Harrison's presence; upon taking the upper part of the scull from the under, out of six bones which the scull is composed of, I found four of them fractured; the bone of his nose was broke

Broke from that of his forehead. His left cheek-bone was broke, the fracture of which must be a violent blow, for this bone is less liable to a fracture than any other in the whole body; all the left side of the brain, which we call the left hemisphere, was absolutely dissolved by a mortification. I opened the body, and found all the bowels bid fair for a vigorous old age. No doubt he died of these blows he received about the head. Both guilty. *Death.* Received sentence immediately, and were executed the Friday following.

Randolph Branch was almost seventeen years of age, born in White chapel, of reputable parents, who taught him to read and write. He was a sprightly lad, not a little given to be unlucky, but by the watchful care of his parents, he was kept from running into those excesses which his natural temper inclined him to. He was at length bound apprentice to a boat-builder, but served only eight months, and then went home to his mother, who gave him the best advice she could, but all to no purpose; for he was resolved to take his own course, and do as he pleased. He took to bad company both of men and women, and there was no scene of wickedness and debauchery but he was ripe for at fourteen years of age, if not before. And now he commenced acquaintance at Mrs. Titchburn's house, which, he said, had been the ruin of him, and many other young fellows before him, where all iniquitous practices had been carried on both day and night.

At July sessions, 1750, he was tried for stealing seventeen fowls from Caleb Smith,

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in which robbery he had two companions, but for want of evidence he got off.

He had not been at liberty many months before he was taken up again, and tried for another robbery. His friends, to save him from the gallows, to which they saw him running headlong, resolved to send him abroad, and accordingly got him a birth to Newfoundland, and he continued in the voyage eighteen months, and returned to Plymouth in May last, where he got acquainted with Dessent. From thence he came to London to his mother, but as wicked as ever, and soon associated with Signal and Ward, executed in July last; in whose company he committed abundance of his robberies, though their acquaintance was not above a month, or six weeks: but quarrelling about sharing the booty in the last robbery they committed he turned evidence against them, and they were executed in consequence thereof.

After so many escapes, one would have thought he might have taken warning, especially as he had friends both able and willing to provide for him, if he would but mend his course of life. But he was so unhappy as to be determined upon his own ruin, and nothing but robbery and debauchery had any share in his attention. He was no sooner at liberty but he returned to his old haunts, where he spent the share of the reward for being instrumental in the conviction of Signal and Ward, in rioting, drunkenness, and with lewd women, and when that was gone, he turned out again to get more in his accustomed wicked manner. Many robberies he acknowledged to have been guilty of, but never was in one attended with barbarity before that of Mr. Brown.

Branch

Branch acknowledged, that during his confinement before trial, he never once thought of dying, but fed himself with hopes of escaping, by means of the evidence, which he imagined would not amount to a sufficient proof. The fact was done in the dark between him and his accomplice, so he thought himself secure; not once recollecting there is one who sees all, and will not suffer such atrocious crimes to go unpunished.

On his trial he appeared with an air of impudence and undauntedness, even though he found more evidence against him than he expected. And it was with no little difficulty he was persuaded to forbear being very rude before the Court. When he went from the bar he expressed himself in such terms as we do not chuse to repeat.

He affected an undauntedness ever after, even to the moment of his death; but as far as his mind could extend to think on what he had done, horrors and tremblings were the consequence. And when the heinous nature of his offence was laid before him, tears forced themselves thro' his eyes, and he could not help betraying signs of fear notwithstanding all his pretended bravery.

William Dessent was 29 years of age, born in the town of Mazaren, called Market-Jew, in Cornwall. His real name was William Dastings; his parents lived in credit and were respected, and though not in plentiful circumstances, they made a shift to bring up their son so as to enable him to provide for himself. He was bred a barber, and besides was employed in the pilchard fishery, during the season, which is near
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six months in the year, and might have got a good livelihood. He was of a robust constitution and make, and capable of undergoing any hardships, and had undergone many both by sea and land.

At the breaking out of the war with France, he entered in the service of his country, on board the *Old Bristol*, in which he continued three years at Jamaica and up the Straights, and returned in her to England, was turned over to the *Medway*, and went in the fleet to the East Indies, where he had been for eight years more; in May last he came home to Plymouth, was paid off and discharged.

And now he said he should have gone home to his friends in his own country; but having prize-money to receive, on account of the *Medway*, in London, he came up and received part of it, which, with his pay in the service, amounted to upwards of 150 l. all which he had squandered away in drunkenness and debauchery. The remainder of his prize-money he made over to a friend since he had been in Newgate. He confessed he had been a very profligate fellow, having passed the three or four months he had been in London, in the utmost excesses of rioting and debauchery, but declared seriously he never had been concerned in any robbery till that unhappy night of the murder of Mr. Brown.

Dessent's first knowledge of Branch was at Plymouth in May last, when they were both just returned from sea, when drinking together, they contracted acquaintance. Branch left Plymouth first, came to London, returned to his old course, and was sent to Clerkenwell Bridewell.

At

At this juncture came Dessent to London, and found out his acquaintance Branch, and coming now and then to see him, kept up his spirits till he had given evidence against Signal and Ward, upon which they were convicted, and he once more gained his liberty.

Mean while Dessent was squandering his money, and cash running low, he happened to meet with Branch. They were three or four days together, off and on, and spent most part of the time in drinking and playing at cards, seldom sober, till the very night in which was perpetrated the cruel and flagitious murder, for which they suffered.

Their senses were intoxicated, and their spirits raised to a degree of madness, when their money being all gone, Branch proposed to Dessent to go upon the lay. Branch was now grown desperate, and knew, if he was taken again, he must swing; so he chose Dessent for a companion, who being a stout fellow, he thought would be a sort of bulwark for him, in case of opposition. In this condition, drunk and mad, they went out resolved to attack any one they met. Mr. Brown unluckily falling in their way, as soon as Branch had said, *there's the mark*, Dessent felled him to the ground with one blow of a large oaken plant, and barbarously repeated his blows over the head: when Branch had taken his watch and money, they left him for dead, and went off the ground.

They had applied to Mrs. Titchburn, they both said, to know if she would take any thing if they got it; she told them she would take whatever they got. So as soon as they had done the bloody deed, they carried the watch to her, which

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which she bought of them, and they divided the money between them.

The next morning, Dessent and another person were walking together, to whom he frequently shewed the oaken stick with which the fact was done; and upon the other's enquiry what he meant by shewing him the stick so often in such a particular manner? he told him, that with that stick the jobb was done in Wellclose Square the night before, alluding to the murder of Mr. Brown, as the person declared he understood it, upon which he had him secured, and when taken he had the same stick in his hand. He would have laid it upon Branch, when under examination before the Justice; but Branch being taken laid it upon Dessent. Their guilt was so great, that each would have sung the imputation of it from himself, and were both ashamed of their own barbarity, though their hearts were hardened enough to commit the cruel murder.

It seemed that Dessent was more concerned for having done the fact than Branch, though upon the whole they were both equally guilty; nor did he behave with that daring insolence as Branch did, either upon trial or afterwards. He had, indeed, a swarthy countenance, from his having been so long in the East Indies, and Branch a more engaging one; but the latter was bred a thief almost from his cradle; the former perhaps stumbled into this way of wickedness at the instigation of the latter, for he declared, as he was a dying man, he never had been in a robbery before, and never was concerned but with Branch that unhappy night of this murder.

*The Trial of JOHN SWAN and ELIZABETH
JEFFRYES, for Murder.*

AT the Assizes held at Chelmsford, March 11, 1752 a bill of indictment was found against JOHN SWAN for *Petit Treason*, for the murder of his late master Mr. Joseph Jeffryes of Walthamstone, Essex; and against ELIZABETH JEFFRYES, spinster, niece of the deceased, for aiding, abetting and comforting the said John Swan, to commit the said murder.

Both prisoners being put to the Bar and arraigned, and objection was taken by the Council for the prisoners to their being tried upon the above indictment, as another indictment had been found against them at the last Assizes, on the same charge, to which they then pleaded not guilty. The objection was, that if they were tried on the indictment now preferred, and were acquitted, they must be a second time tried on the former indictment for their lives for the same offence; and after near three hours debate by the Council on both sides, the Court were of opinion, that the prisoners must be tried on the last indictment.

The Council for the crown then proceeded to open the indictment, and the nature of the murder with which the prisoners were charged; and to establish the facts, called the following witnesses.

Edward Buckle of Walthamstone. I lived about 30 yards from the deceased's house. On the third of July, I heard an outcry about two o'clock in the morning. My wife said, it is
Miss

Miss Jeffryes's tongue, I said, if *she* wants me let her call me. She said, here is Miss Jeffryes in her shift. I went to her; she was in her shift, without shoe or stocking, at a neighbour's door, about 20 yards from the deceased's house. I went and asked her what she did there in that manner? she said, *O they have killed him! they have killed him! I fear.* I desired her to put something about her. She said, don't mind me, see after my uncle. John Swan unlocked or unbolted the street-door. I went in, and there the deceased was lying on his right side, I saw he had three wounds on the left side of his head: I took hold of him by the left-hand, and said, my name is Edward Buckle; if you cannot speak to me, signify to me. He squeezed my hand with as much force as he could, but did not speak, and I went out of the room. About five hours after this, when Miss was about the house crying for the loss of her uncle, she said to me, Mr. Buckle, will you go and lay informations about the country of this unhappy affair that has befallen my uncle, and of what goods are lost, that the villains may be found out. I said I will, but it was not proper for me to go alone. She said, what it costs she would pay.

Q. What things did she say were lost?

Buckle. Mrs. Martin mentioned in Miss Jeffryes's presence, a silver tankard, and silver cups and fifteen pewter plates. I said to Miss Jeffryes, if I should light of Matthews, I'll take him up. She replied, Mr. Buckle, *don't meddle with him, for you'll bring me into trouble, and yourself too, in so doing.*

Q. Did you go?

Buckle

Buckle. I did, and another man along with me on the same account.

Mary, wife of *Samuel Adams*, of *Waltham-stow*. I live within twenty yards of *Mr. Jeffryes's*. I heard the report of a gun, or pistol, about a quarter after two o'clock. About three-quarters of an hour after, I heard an outcry of *Fire! Thieves!* I got up and went to the house, and saw the deceased bloody, but being big with child, they would not suffer me to stay in the room.

Q. did you see Miss Jeffryes?

Mrs. Adams. I did, in the yard, with many people about her. She said she hurt her ankle by coming out of the window.

Thomas Matthews, the accomplice. Some time in the hay harvest, as I was coming over *Epping Forest*, in my way from *Hull*, I saw a cart stuck fast in the road. There I first saw the deceased, who asked me where I came from? I said, from *Hull*, and was in distress, having no money. He took me home with him, and I worked with *Swan* all the day. I was to work for my meat and not for any wages. I worked for him nine days, as nigh as I can guess. I eat and drank in his house. He gave me a shilling when he turned me away.---The family consisted of a Maid, *John Swan*, *Eliz. Jeffryes*, and a little Child. *Swan* was the gardener. When I went from thence, I worked two days with one *Mr. Hughes*, a farmer, in *Woodstreet*, about 40 or 50 yards from *Mr. Jeffryes*.

Q. Had you any conversation with Miss Jeffryes while you lived there?

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Matthews.

Matthews. Yes: about four days after I had been there, she ordered me to go up stairs to wipe a chest of drawers and a few chairs that stood in a back room, joining to the house, that he used to let to the people that came from London. Miss Jeffryes came up just after me, and said to me, what will you do if a person should give you a hundred pounds? I asked her, what I was to do for it? she asked me again if I was willing to earn it? I said, I would, if it was in an honest way. She said, go to Swan, and he will tell you: I went to him as soon as I came down stairs; he was in the garden. I told him Miss Jeffryes had offered me a hundred pounds, and he was to tell me how I was to earn it. Swan smiled, and took me into an out house there, and told me, if I would take and knock the old miser his master on the head, he would give me 700 l. Miss was standing in the garden behind us, and when Swan had done speaking, said, I shall never have a minute's sleep, so long as that old miser my uncle is alive.

Q. Did she promise you any thing at that time?

Matthews. No, she did not. When I had been discharged from Mr. Hughes's about two days, Swan gave me half a guinea to buy a case of pistols, on purpose to meet Mr. Jeffryes as he came back from Chelsea.---This was at the back of the garden. I went to Low-layton, and there spent the money at the Green-man. Swan had pistols before, which he shewed me eight or nine times. After this, I went for London; Swan overtook me, and said, d--n your blood, where was you going? said I to London;

London; he asked me to drink, and gave me three-pence. We went in at the Green-man and Bell, the house of Mr. Gall in White-chapel. We got there about six in the evening; we had some beer, and staid till about eleven at night; about which time Swan got up from the table, and challenged the best man there to fight for a guinea. I being in liquor, stripped as well as he. Swan threw his coat on the fire, which Mr. Gall took off lest it should be burnt, and finding the pockets heavy, felt in them, and found two pistols. Mr. Gall then charged the watch with us, and we were put into the cage for that night. While we were in the cage, Swan pulled out some rings, in a case, but what quantity I cannot say; but told me he was going to pawn them to get money, and that they were Miss Jeffryes's. Next morning we went before Sir Samuel Gower, who committed us to Clerkenwell Bridewell. We staid there about 24 hours, when Miss Jeffryes came and released us. After that we went to Gall's house. Miss Jeffryes asked me what I meant by bringing her man into a scrape? I said, he brought himself into it. She bid Swan give me a shilling, and to tell me to meet them at the Yorkshire Grey, a public house in Stratford. I went there; Swan, she, and Tom Smith went there in a coach, I walked. When I came there, I found them all three together in a parlour. Swan gave me half-a-crown, and bid me meet him next day at the Buck upon the Forest, about six in the morning; I went, and he came about seven. Miss Jeffryes went home that same night. Smith was to go to Mr. Jeffryes's house that

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night,

night, to know if Miss had made up the difference between Swan and his master, so that he might come home again. I went to shew Smith the way; after which Smith and I came back again; then Swan and Smith went to Walthamstow. Smith told Swan, that Miss had made it up with her uncle, and he might come home to his service again. So he went home, and Smith with him; but I did not, but staid at Low-layton till next morning; then they returned again, and Swan told me his master had sent him to London for some trees; he bid me meet him the next day, which was Sunday, on Epping Forest; but he did not come, he met me near the Buck about six in the afternoon, but nothing passed concerning this matter; Swan went home to his master's, and I to Low-layton. I saw him again on the Monday, about two in the afternoon; nothing then passed in this affair. We staid together about two hours, I then went to Epping, which is 14 or 15 miles from Walthamstow, and staid there four days. I came back again on the Saturday, and saw Swan on the Monday morning, near the Buck, in Walthamstow. Then he bid me to meet him beyond Walthamstow Church, on the Tuesday about two o'clock in the afternoon. I went, and Swan and Miss Jeffries came together, There he told me I was to come on the Tuesday following, to the backside of Mr. Jeffries's garden, about ten at night, and he would give me some money; and he was to leave the door open for me to come in. Miss was by, and heard every thing, but said nothing herself.

Q. What was he to give you money for?

Matthews. He would give me some money to knock the old miser, his master, on the head. I went; the garden was not open; but found, upon trying, it was only on the latch. I went in, and from thence into the pantry, and stood behind a tub till Swan came to me, which was about eleven o'clock, and gave me some cold boild beef; and Swan and Jeffries came to me in the pantry about twelve. Then Swan said, now is the time to knock the old miser, my master on the head. No, I said, I could not find in my heart to do it. Then the prisoner Jeffries damn'd me for a villain, because I would not perform according to my promise. Swan had two pistols, one loaded with slugs, and the other a ball; he damn'd me, and said he had a great mind to blow my brains out, because I would not do it. Then he pulled out a book and made me swear I would not discover what was passed, if I did, he would blow my brains out; so I swore, I would not, except I was in danger of my life. Then they both went together up stairs, and I heard a pistol go off about half an hour afterwards; then I made what haste I could out of the house the back way, and so off to the ferry, and afterwards to Enfield Chase.

Q. Did you promise to commit the murder?

Matthews. I did, near Walthamstow Church, when we were both there; and Swan told me when we were going to London on the Thursday, if I would not do it, by G--d he must, or somebody else should, for Miss Jeffries was with child, and if the old miser, her uncle, came

to know it, she would be cut off from his estate, and turned out of doors.

Cross-examined.

Q. When Gall came to apprehend you, what did you tell him your name was?

Matthews. I told him my name was Smith.

Q. Had you been acquainted with Miss Jeffryes when she sent you up to dust the drawers?

Matthews. I had not spoke to her before.

Q. What sort of a room was that?

Matthews. It was up one pair of stairs, being a part of the house of Jeffryes.

Q. Did not you say, you was out of the kingdom at the time of the murder?

Matthews. Yes, I did.

Thomas Forbes, Apothecary at Woodford. Between three and four on the Wednesday morning I was called by Swan the prisoner, who came and told me, that a sad accident had happened to Mr. Jeffryes; I went immediately, and found the blood about the room congealed; then I examined the wounds, and found two given by a gun or pistol, on the left side of his face, and a stab near his ear; I probed them, and found that under his ear near four inches deep. I looked upon all the wounds to be mortal. There was a knife lay upon the table or scrutoire in the same room. I observed that Swan had a clean shirt on, and no blood upon it.

Sarah Arnold, servant maid to the deceased. I was servant to Mr. Jeffryes, and had lived with him about four years. Swan was likewise a servant, to do every thing my master had for him

him to do, and was there when the murder was committed.

Q. Who was with your master the day before?

Arnold. Mr. Clifton, his wife, and Mrs. Martin; and her children; they dined there, and went to the Royal Oak to drink tea in the afternoon, and came back all of them about supper-time; some went away, but Mrs. Clifton and Mrs. Martin staid till near twelve o'clock.

Q. When they went out, did you take particular notice of the doors of the house?

Arnold. Before they came home, we fastened the outer door. About eleven o'clock, Swan and Miss Jeffries went into the garden, and returned in about a quarter of an hour; Swan came in first, and went directly to bed, without asking leave, which was what he never used to do. Miss came in presently after, and Mr. Clifton and Mrs. Martin were gone before twelve, when we all went to bed.

Q. Was not Swan quite drunk at that time?

Arnold. Pretty much in liquor.

Q. Was Miss Jeffry's particularly pressing that night for her uncle to go to bed, and the company to go away?

Arnold. Yes; though I did not take notice of it till afterwards. When we went to bed, we all went up together; but first I fastened all the doors, by my master's order. Miss lay in the next room to her uncle; the partition was very thin, with a hole in it. Swan lay on the same floor as Master my and Miss did.

Q. Did you hear any thing of the pistol?

Arnold. No. The first alarm was about three o'clock, when I looked out of the window, and saw Miss Jeffrey's in the yard in her shift, and Swan told me my Master was murdered he feared, and desired me to go and see him, which I did, found him wounded, and the blood congealed. I saw a knife, and some bits of wood in the room; but the knife was not blood. After this, I ran out of doors and alarmed the neighbours.

Q. Where did your Master keep his pistols?

Arnold. In the kitchen, there used to hang a pair of pistols, but after the murder I could find but one of them, but saw some chippings of lead on the floor in the kitchen, as if cut off the bullets, that I remember I saw Swan sitting to the pistols.

Q. Did you ever observe any thing particular in the behaviour of Miss Jeffries towards Swan, and what have you heard your master say to it?

Arnold. Miss used to go frequently into the garden, and my master was displeased at it, and threatened to alter his will, and cut her off, if she did not alter her conduct.

William Gallant. I knew Mr. Jeffries, he was my very good friend. The week before Mr. Jeffries was murdered, John Swan came to my shop and told me, Miss Jeffries wanted to speak with me, that I must go to the yard gate, and she would come to me. Accordingly I went, and in a little time she came to me; (this was on Tuesday the 25th of June) and told me she

she had recommended me to make a lady's tete, and desired that I would get her uncle as far as Bucket's-hill, about four miles off, and to keep him out till pretty late at night, and make him very much in liquor, and if I spent half-a-crown or a crown in so doing, she would give me as much for myself. My answer was, that I did not think my business would admit of it at that time. She then caught me by the wrist, and said, dear gallant, do it this week; if not this week, it must be done the next. She then told me she should have money very shortly, and if I wanted any, I should have two or three guineas, and she would not be in a hurry for it. I then asked her if there was any thing more than ordinary in the case? she said, yes; that she wanted to spend a day abroad, and when her uncle came home so, (meaning in liquor) he did not enquire after her. A few days after this the murder was committed, I went to the house, and said, where is that villain Matthews? and told Swan, my heart misgave me about him; Swan said, O my lad, he is as innocent as a lamb. And the same morning I saw the prisoner Jeffries bounce herself down in a chair in the kitchen, and said, *oh! I shall die a worse death than my uncle.*

James Thornton, Surgeon. I saw Mr. Jeffries after he was murdered, about an hour; the blood was congealed and lost out of those small arteries where the wounds were given.

Q. Had you any conversation with Miss Jeffries at that time?

Thornton. I asked her how it came to pass? she answered, she was in a great fright, and heard

heard four fellows running down stairs, and one of them said, *D---n it, now we have done all the mischief we can, let us set the house on fire.* She farther said, she jumped out of bed, and out of the window. I asked her, who was the first that came to her assistance? she said, Mrs. Diaper. I asked her, who came next? she said, our fellow. I believe all the wounds in his head were mortal.

William Gowler. I live at Walthamstow; my father is Joseph Schooling. About a month before this affair happened Miss Jeffryes came to Joseph Schooling, in Marsh-street, and said she wanted a coach for the day; I carried her, and set her down near White-chapel Church. She then went to the Green-man and Bell, and ordered me to take her up at Sir Samuel Gower's at one o'clock; which I did, and then carried her to Lombard-street, and from thence to the Green-man and Bell in White-chapel, thence to the Yorkshire-Gray at Stratford, and from thence home to Walthamstow.

John Gall, at the Green-man and Bell, deposed, that on the 19th of June, some time before the death of Mr. Jeffryes, the prisoner Swan came to his house, and called for some bumbo, and that about 10 o'clock at night there was a noise in his Tap-room; that he went in and there saw Thomas Matthews, and asked, what business that ragged fellow, meaning Matthews, had there, and was going to turn him out of the house, as thinking he was the occasion of the quarrelling in the kitchen, when Swan, who was in another room, said, *D---n you, if you use my friend ill, I will fight you,* and then pulled off his coat, and threw it on the grate; that

that then this witness, fearing the coat might be burnt, caught it off the grate, and finding the pockets weighty, felt in them and found two pistols; that then, fearing Swan and Matthews might be robbers, he got assistance secured them in the cage for that night, and the next day carried them before Sir Samuel Gower, who committed them to Clerkenwell Bridewell, but at the same time recommended to the witness to send to Walthamstow to know whether Swan belonged to Mr. Jeffries or not, and in the mean time to keep them in his house; that he this witness went to Walthamstow himself, and saw Miss Jeffreys, the prisoner at the bar, and told her what had happened, when she promised, that either her uncle or herself would come the next morning. That the next morning Miss came to him about six o'clock, which was the 20th, and then went before Sir Samuel Gower, where she owned the pistols as belonging to a gentleman that had been a journey with her, and had left them in her care to get cleaned, for which purpose she had sent them to town by Swan, who was her uncle's man, and that the ear-rings were to be carried to one Bentley, as a security for some money she had borrowed; that then Sir Samuel sent for Swan and Matthews, from Bridewell, and discharged them, Miss promising him, this witness, to pay all the expences; and that after the discharge of Swan and Matthews, they, with Miss Jeffreys, and one Thomas Smith, came to the witness's house and dined there.

He further said, That after the death of Mr. Jeffries, hearing that Matthews was suspected, he resolved to apprehend him if he could find him;

him; that on the 9th of November last, Thomas Smith came to him and informed him, that he had seen Matthews come out of the India-House; that then he, this witness, went thither, and made what enquiry he could, and by describing him to Mr. Crab, he promised, if he came, to detain him; that he was afterwards informed that Matthews was gone to a house in Abel's Buildings near Rosemary-lane, and that he had entered himself in the India Company's service; at this house he apprehended him, but then he denied his name to be Matthews, and said it was Thomas Smith; that then he carried him to the Three-Tuns in Lombard-street, and there he confessed his name was Matthews, and knew who did the murder, but did not do it himself; that then he carried him before Sir Samuel Gower who, after taking his examination, committed him to Clerkenwell Bridewell for further examination; that this witness asked Matthews where he had been since Mr. Jeffryes's death; that Matthews said, he had been at sea in the Earnest Industry, and was cast away on the Capes of Virginia, and was taken up by Capt. Wolfe in the Dolphin; but upon enquiry, this witness found there had been no such ship in the river for twelve months before.

Being asked, on his cross-examination, how many examinations he had been at, answered, two. Whether Matthews was not found in several stories before Sir Samuel Gower, he said, he was.

Thomas Smith, a shoemaker in White-chapel, deposed, that on the 21st of June last he was with Miss Jeffryes, Swan, and Matthews, at the Green-man and Bell in White-chapel, where

he

he was told Miss wanted some flower-roots; that from thence he went with Miss and Swan in a coach to the White-horse at Stratford, where Swan and Matthews had some talk together, and Miss went home. He then went on to shew the several places, that he, Matthews and Swan, had drank at; and at last gave an account, that Swan sent him to Miss Jeffryes to know if she had perswaded her uncle to receive him again into his service after his being released from Bridewell; but he knew nothing of what nature the conferences were between Swan and Matthews.

Ann Wright deposed, that she kept the Yorkshire Gray at Stratford; that one day in June last Miss Jeffryes and two men came in a coach to her house, and they, with another man that was there, went into a room and called for wine; that Miss Jeffryes cried and said she had been to get Swan out of Bridewell, and fetching a sigh, said, she feared she should be damn'd. About the time Mr. Jeffryes was murdered, Swan came and told me his master was shot with his own pistol, and that he was going to London for a surgeon, and desired me to get him, a coach; he seemed very much concerned and fluttered in his spirits, and when he returned from London, he was very drunk at the bottom of the coach.

John Mills, at the Why-not-beat-dragon, at Mile-End. About four in the morning a man came to my house, and said, there was a sad murder committed at Walthamstow. About six o'clock Swan came in the Stratford coach, and called at my door for a gill of rum. I said, what a sadurder has been committed! Swan asked

me, what murder? I answered at Walthamstow. Then Swan said, he lived with the gentleman. I said, I heard the maid had jumped out of the window. He said, no, but the niece had jumped out of a window three stories high. I saw him again three hours after, on his return, quite drunk and stupid in the coach.

Samuel Adams, of Walthamstow deposed, that he heard Miss Jeffries cry out *Thieves! Fire! Murder!* that he went to her assistance; she was at a chamber-window, and cried out, get a ladder, for there were rogues and thieves; at that time he had nothing to defend himself; he went to get a bill; and as he was going, saw Swan opening the street door.

On his cross-examination he was asked, whether he did not mistake the maid for the mistress? he replied, no; for the maid came down afterwards.

Mr. Hillier, a farmer at Walthamstow, deposed, that he went about seven o'clock in the morning the murder was committed; that when he came into the street, he was met by Mrs. Cander, who told him Mr. Jeffries was murdered. By what they farther said, he found it was owing to an alteration which he was about to make in his will.

Q. Did you see a bar that belonged to the window over the door?

Hyllier. Yes; an iron bar standing by the side of the door, that belonged to the window; and the lead was regularly untwisted on the inside of the window, as if a glazier had done it. From thence I apprehended that some of the family had done the murder. We got of Swan two or three

three rakes to search the pond for the things they said were stolen; there came likewise three other men, who each of them took an instrument, and said to Swan, look about again, these things can never be carried off. A little after this, the men hallowed out, pulling a sack out of the pond, with pewter, brasses, a silver tankard, some spoons, and other things.

Q. When you was going before the Justice, was Mrs. Martin with you, and what conversation passed?

Hyllier. Yes; Miss Jeffryes said, as I was a gentleman she hoped I would not suffer her to be ill-used. She then called me to be a witness, that she had given to Mrs. Martin Bank Notes to the value of 500 l. and a 500 l. Bond; and as she was going to get into the coach she pulled a Bank Bill of 100 l. out of her bosom, and gave it to Mrs. Martin to let her know, and that all the world might know, that Mr. Jeffryes did not lose his life for the sake of wronging Mrs. Martin's children; which 100 l. was to be equally divided amongst the children.

Elizabeth Gallant, wife of William Gallant, a former witness, being asked, how long it was before she came to the house after the murder of Mr. Jeffryes? answered, immediately, as soon as she had dressed herself.

Q. Do you remember you saw Miss Jeffryes give any particular directions about a box of writings?

Gallant. About an hour and a half after I came, she called to Mrs. Butler to take the box of writings out of her uncle's room, and to carry them

them into her's, lock the door, and bring her the key; which she did.

Richard Clark, of Walthamstow. I was at the house in the morning the murder was committed, I heard an outcry of murder, fire, and thieves; I live but 16 yards from his house; as I went into the Court, I saw Swan; he made a full stop before me; I asked him which way they got in? Swan said, he thought they got in at the window backward and out of the door; he went as far as the door with us, to shew us the window, and I examined the window and door, after I came back; I looked about the yard, and round the premises; and though it was a dewy morning, yet I saw no dew beat off.

Q. Had you ever any conversation with Swan?

Clark. Miss Jeffryes desired me to go with Swan to fetch a horse that was at grafs in the marshes; being a hot day, we went in to drink; coming by Lord Castlemain's, he asked if I was a man sufficient to shoot any thing? I told him I never was a sportsman; he said, if I could, he could get me 50 l. and a horse to ride on.

Q. Had you been talking about shooting before?

Clark. No, never in our lives.

John Ball, a butcher of Walthamstow, deposed, that the morning the murder was committed, he met Mr. Robert Clifton, and told him Mr. Jeffryes was shot; whereupon they went to Mr. Jeffryes, and Mr. Clifton then took hold of his hand, and said, *if you know who did this, hold up your hand, or else let it lie still.*

Still. Upon that, he let the handkerchief, he held in his hand to wipe the blood off his face, drop on the bed, and held up his left-hand. This was between three and four o'clock in the morning, and to the best of my knowledge, Mrs. Martin stood on the other side of the bed.

Here the King's Council rested the proofs for the crown; and the prisoners being called upon to make their defence, Swan said, that he had nothing to say, but left it to his council. And Jeffryes said, she had nothing more to say, than that she should call witnesses to prove most of those who had been produced for the King, perjured; and left the rest to her Council.

Eliz. Diaper deposed, that she lived within a few yards of the deceased, and well remembered when he was murdered; that between two and three o'clock in the morning, she heard a voice calling out, Diaper, Diaper! on which she jumped out of bed, opened the window, saw Miss Jeffryes, and heard her calling out, *there are rogues in the house.* This witness was undressed, and in her shift; she put on her gown, and said, I am coming as fast as I can. They were still crying out *Fire and Thieves*; and that the maid was at the window at the same time.

This witness fainted in the Court, and was obliged to be carried out, and her husband, John Diaper, was sworn next.

John Diaper. I live about fifteen yards from the late Mr. Jeffryes house at Walthamstow. The morning Mr. Jeffryes was murdered, between two and three o'clock, I heard Miss

Jeffryes cry out, *Diaper! Diaper! for God's sake help! Murder! Fire! Thieves!* I got to the window, and saw Miss Jeffryes half-way out of her window, endeavouring to get down. I dressed myself as fast as I could, and ran to her assistance. When I got down stairs I saw a woman with a hand-bill in her hand; I took the bill, and went on to Mr. Jeffryes's house; and in my way, turning back, I saw Miss Jeffryes at my door. Just before I came to Mr. Jeffryes's door, Swan had opened it in his shirt, and one Clark entered the house before me; I went in, and, with Clark, searched the house all over to the garden, and places adjacent, but could not find any marks of any person that had gone from the house, the dew being on the grass. I observed Swan seemed very much affrighted, and said, *he wished he had died with his master, for that he would have lost his own life to have saved his master's.*

Mrs. Diaper, being recovered, was again brought into Court, and deposed, that she saw Miss Jeffryes in her shift, and Mrs. Buckle by her; and that this deponent said to Miss, Lord! Miss, how did you get out; and she said, out of the window.

For God's sake, said Miss, see where my uncle is, and Joe Martin. Swan came out undressed. Miss was at her door, and her shift had no blood upon it, nor marks, nor stains. It was foul, and she might have wore it two or three days.

Miss Jeffryes fainted away at this time, and continued in convulsions for near a quarter of an hour.

This

This deponent farther said, that the maid opened her master's window, and cried out, *Thieves, Rogues; the rogues have opened my master's door, and cut my master's throat from ear to ear.* As soon as I came to the door, I desired the maid to go and get the child down, which she did, and left it at Mrs. Martin's door. When I came into Mr. Jeffryes's room, I found him murdered, and the blood ran a-cross his throat: I generally nursed him in his illness, and observed Miss very kind to him. And I have known that John Swan has fetched Mr. Jeffryes from Chelsea, the Forest, and elsewhere, at all hours.

Being cross-examined, she said, the window was directly over the door, and had a casement; that a person could get out of, and that Miss has got out of the window many a time to get jessamy; that she saw the wounds bleeding, and the blood was warm, and that there were marks of blood on the banisters on the right-hand side going down; that she saw them all stript to their shirts and shifts, and not a spot of blood upon them.

William Davis. I live near Mr. Jeffryes, and heard Miss crying out for God's sake bring a ladder; and when the door was opened she said, *go see for my uncle, for I believe the rogues have killed him;* I went up stairs, saw Mr. Jeffryes lying on his bed; he blowed his nose with his handkerchief. I observed some blood on the banisters, and on the stairs; when we came down stairs, she ordered us to go and search all about for the rogues, if fifty of us went, she would pay us. She seemed to be a little frightened.

ened. Swan was very ready to assist us with rakes to search the pond.

Mary Buckle. I live in the court where Mr. Jeffryes did. Wednesday morning between two and three o'clock, I heard a calling out, *Rogues, I am afraid the house is on fire.* When I came into the court, Miss Jeffryes was falling from the window. I asked the reason of it. She said, she was in a dream when she heard the outcry in the house. She said, don't mind me, but go seek after my uncle; she was in a real fright and concern; her shift was not clean, and no blood upon it; that Miss said, she heard some men run down stairs, and that they said, damnation to the old rogue, they have done all the mischief they could, and now they would go down and set the house on fire, which forced her out of the window.

Gatherine Griffiths. I lived at Walthamstow, about three or four rood from Mr. Jeffryes's house, my window opens into the yard. I remember the time he was murdered. I heard Miss Jeffryes cry, *fire, thieves, and murder.* I was in my chamber, and knew her voice very well. I got up, and went down into the yard; there she stood in her shift at Mr. Diaper's door. She said, Lord have mercy upon me, I am afraid my uncle is murdered, and met the maid with a child in her arms; she said her master's throat was cut from ear to ear. Miss Jeffryes took on, and cried much. We went up stairs, and found him in his gore, we lifted him up, and bolstered him upright: Miss Jeffryes was in the room during the time, but she gave such shrieks we turned her down again, fearing it should disturb him. She kneeled down on the floor, when

when she was there, and said, *dear uncle, if you can speak, speak to me.* This was after he was set upright in his bed. Then she said, *If you cannot speak, hold up your hand, or make some motions.* He did not, he squeezed her by the hand, when she asked if he knew her? from which we took him to be sensible.

Q. Was Mr. M^cCoone in the room, when she was there?

Griffiths. He was; he got Mr. Jeffryes by the hand, and asked him if he knew him? Mr. Jeffryes squeezed his hand also; he said something to him about holding up his hand; it was, I think, to hold it up if he knew who murdered him; but he did not hold up his hand. (*She is shewed some splinters of the pistol*) These are the same which I had a hand in picking up. He lived till about eight at night, and died. I was with him when he died.

Cross-examined.

Q. What time of the day was it that Mr. M^cCoone was there.

Griffiths. He was there at the same time Miss was.

Q. Did you see the deceased wipe his nose and face with a handkerchief?

Griffiths. I did; I was in the room from first to last; and never out of it but once.

Q. Did you see Mr. Ball there?

Griffiths. I did.

Q. Do you remember his asking him some questions, about holding up his hand?

Griffiths. I do not; I know he did not hold up his hand to any body; several people asked him questions, but he did not hold up his head

hand at all. I had him by the hand, and he squeezed my hand a great many times, when I asked him if he knew me, but he never opened his eyes.

Robert Clifton. I have known Mr. Jeffryes, many years, was his apothecary, and was with him the day before he was murdered until the evening. Swan came to me about ten in the morning, desired me to make all the haste I could, for he feared his master was murdered; and Miss Jeffryes asked, if any help could he had in London? if there was, she desired he might have it; that a surgeon who was there imagined he might be dead before any help could come. I really believe the hand that discharged the pistol must be wounded by the bursting of it, and Swan was not wounded, and therefore I think he did not discharge the pistol. I have taken Mr. Jeffryes out at the request of Miss which was, that she might receive a visit, or go and see a friend.

Prisoner. Council. Did Miss Jeffryes shew any concern at the loss of her uncle, as you observed?

Clifton. Yes, and I do believe she was really affected, by the effects it had upon her.

Being cross-examined, he said, if John Swan was inclined to do his master a mischief, he had many better opportunities, as there was many a dark night when he came home with him; that his horse once went into a pond, and he fell over his horses neck, and Swan saved him, and he always expressed a satisfaction in Swan who saved him. That Miss behaved always very dutifully, and that he thought she had no hand in the murder.

Prisoner.

Prisoner. Council. Mr. Clifton, is it your opinion, or is it possible for a man to shoot off that pistol shattered in the deceased's room, and not be wounded

Clifton. To me it is morally impossible that he should escape unwounded,

The council for the crown then observed, that the pistol being a long one, as appeared from the length of the rammer, which was produced as also the shattered remains of the pistol, and that part where the lock was fixed, was entire, and consequently the hand that discharged it might not be hurt. That at the time he came to Mr. Jeffryes, he told Mr. Forbes that it was done by some of the family. To which Mr. Clifton now replied, that he might say so through surprize, but that he had no suspicion of any person in the house at that time.

Court. Was you not with Miss Jeffryes this morning before six o'clock, and did you not receive a sum of money of her?

Clifton. I never received any money from her.

Court. Was there not either 20l. or 20 guineas, that you received of her this morning or last night?

Clifton. My son told me he had a 20l. note in part for goods delivered to her. I never applied to her for this money. And all that passed directly or indirectly, was, that I would not come into court unless the money was paid.

Anne Clifton, wife of the last witness. I went into Mr. Jeffryes's back gates, about four o'clock, and saw Miss. Jeffryes in the garden; I went into the house, and saw Mrs. Martin, who said she had

had lost the best friend she had in the world; and I said, I thought so too. That that day Mr. Jeffryes intended to alter his will, and to have provided for her family, for she was his daughter-in-law.

Francis Gashold. I was well acquainted with the deceased, and have often, at Miss Jeffryes's request, taken him abroad, that so she might go to the boarding school, or take a walk, or entertain a visitor.

Sir Samuel Gower. Matthews was brought before me and examined, and I committed him to Bridewell on suspicion of being concerned in some robbery. He was examined four or five times before me, Mr. Bateman, and Mr. Quarrel. He gave different accounts in his examinations. I told him I could not put confidence in his evidence, he prevaricated so much. I did suffer him to sign one or two of his examinations. And when he said any thing of the fact of the murdering Mr. Jeffryes, he always said he was hired to do it, and was offered money. I asked him why he did not make this discovery sooner, and then he might have appeared like an honest man, and saved his master's life; and he told me he could not tell how to go about it. He was brought before me by Mr. Gall, but I looked on him as a criminal.

Justice Quarrel. I was present when Matthews was before Sir Samuel Gower; some time in November last; he differed in the latter part of his account; but as to his saying he was hired, he kept to that all the time of his examination; he only heard the latter part of it; upon observing some hurt he had in his
hand,

hand, he said, he received it by a rope in the ship.

Sir Samuel Gower's *Clerk*, deposed, that on Matthews's second examination, he said he knew nothing at all of the murder, nor did ever hear of it until he was taken; and at his second examination he contradicted himself, and said, that what he said before was a lie. I was desired to go into another room to take his confession, which I did, and he signed it with his mark; and he confessed that he was hired, and was to have 700*l.* for the murder.

The prisoners having gone through their defence, the council for the crown, in their reply, said, that the evidence produced in support of the indictment was clear, strong, and permanent; and that the evidence on the part of the defence, had not contradicted one single circumstance that was advanced on the part of the prosecution; that indeed they had produced two worthy magistrates, before whom Matthews was examined, in order to destroy the credit that might be given to Matthews's testimony; but instead of destroying they absolutely confirmed it; for that the sum of the evidence of both those gentlemen was, that tho' Matthews in his several examinations in some things greatly prevaricated, yet, whenever he spoke of Mr. Jeffries's murder, he always insisted, that Swan and Miss Jeffries, the two prisoners at the bar, hired him to do it, and at the same time he as strongly insisted that he refused to do it; and therefore his evidence which might be called a positive one, supported by the many circumstances that attended it, left no manner of doubt, but that the prisoners were Guilty.

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The Judge having summed up the evidence to the Jury, they withdrew, and in a little more than an hour returned, and brought the prisoners in Guilty. *Death.*

On Thursday, the day after her conviction, she made a confession, that what Matthews had sworn was true, except that part of his being in the house at the time the pistol went off: and that she had had this murder in her thoughts for two years past, but never had a proper opportunity of getting it executed before, till she engaged and persuaded Swan, and together with Swan, she offered Matthews money to execute it, who agreed to do it; that upon the night the murder was committed, it was agreed between Swan and her, that they should both go up to their chambers, as if they were going to bed, and as soon as the maid had locked her door, and was supposed to be in bed, Miss Jeffries came out of her own room to Swan's, and said *hollo! are you awake?* he answered, yes; and he was not undressed. Then she went into her uncle's room to see if he was asleep, and took a silver tankard, a silver cup, and some silver spoons, from off a chest of drawers in the deceased's room; then she and Swan went down stairs, and Swan took out a new sack from under the stairs, and she and he put the plate, and some pewter and brass which they took off the shelves in the kitchen, into the sack, till she said, I can do no more. Swan and she then drank each a large dram of brandy; then she went up stairs into her own chamber; where it was agreed she should undress herself, and lie till a signal was given by a knock at her door or wainscot, that her uncle was murdered, then she

was

was to open her window and cry out, *Diaper! fire and thieves!* to alarm the neighbourhood. She farther says, that she accidentally fell asleep, as soon almost as in bed; but on a sudden was waked by some noise in a fright, when she laid and listened, and heard a violent breathing or gasping, as if somebody was under a difficulty in drawing their breath; then she concluded her uncle was murdered, and opened her window, and made the agreed alarm; directly after which she came down stairs, and Swan let her out of the street-door in her shift, when she run to Mrs. Diaper's door, in the same Court-yard. Swan then shut the street-door, and as soon as he heard the neighbours were coming, he opened the street-door again in his shift, and ran out as if he had just come out of bed in a fright. She further says, that previous to the executing this diabolical design, they had taken care to cut the wire of the bell on the outside, which went from the master's to the maid's room, to prevent his calling the maid.

Swan said, that he did not do the murder, but that Matthews, who came in at the garden-gate, which Swan had left open for that purpose, actually did it with one of the deceased's pistols, which was hanging up in the kitchen; and Swan cut a bullet which he took out of a drawer in the kitchen to make it fit the pistol. And he was implacable against Miss Jeffries for having made any confession of this melancholy and wicked affair.

On Saturday; March 14, they received sentence of death; and while the Judge was making a moving and pathetic speech before the
the

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the sentence, Miss Jeffryes fainted away several times, and at last recovering herself, prayed for as long time as possible to prepare herself for a future state.

Swan was hung in chains on Epping Forest.

The Trial of MARY SQUIRES and SUSANNA WELLS, for a Robbery.

MARY SQUIRES and SUSANNA WELLS, were indicted; first for that she on the second of January 1753, in the dwelling-house of the said *Susanna Wells*, on *Elizabeth Canning*, Spinster, did make an assault and took from her a pair of stays, value 10s. her property: The latter, for that she, well-knowing that she, Mary Squires, to have done and committed the said robbery, her the said Mary did then and there feloniously receive, harbour, conceal, comfort, and maintain, against the peace, and the form of the statute.

Elizabeth Canning deposed thus: I had been to see an uncle and aunt, his name is Thomas Colley; I went from home about eleven in the forenoon, and staid there till about nine at night on the first of January, then my uncle and aunt came with me as far as Aldgate, where we parted. I went down Houndsditch, and so over Moorfields by Bedlam-wall, there two lusty men, both in great-coats, laid hold of me, one on each side; they said nothing to me at first, but took half-a-guinea in a little box out of my pocket, and 3s. that were loose; as likewise my gown, apron, and hat, folded them up, and

and put them in a great-coat pocket; I screamed out; the man who took my gown, put a handkerchief or something into my mouth; they then tied my hands behind me; after which one of them gave me a blow on the temple, and said, *d---n you Bitch, we'll do for you by and by.* I having been subject to convulsion fits for these four years, this blow stunned me, and threw me into one directly.---The first thing I remember after this was, I found myself by a large road, where there was water, with the two men that robbed me.---I had no discourse with them; they took me to the prisoner Wells's house about four o'clock in the morning. I recovered from my fit about half an hour before I came to the house. They lugged me along, and said, *you Bitch, why don't you walk faster?* one had hold on my right hand, and the other on my left, and so pulled me along. I think it was day-light about three hours after I came to Wells's house.---When I was carried into the house, I saw the gipsy-woman Squires, who was sitting in a chair, and two young women in the same room; Virtue Hall, the evidence, was one; they were standing against a dresser: I did not see the prisoner Wells there. As soon as I was brought in, Squires took me by the hand, and asked me if I chose to go their way, saying, if I did, I should have fine cloaths: I said, no. Then she went and took a knife out of a dresser-drawer, cut the lace of my stays, and took them from me. I thought she was a going to cut my throat when I saw her take the knife. Nothing else was taken from me at that time; but Squires looking at my petticoat, said, *here you Bitch, you may keep that, it is not worth much,* and gave me a slap on the face. After

After that, she pushed me up stairs out of the kitchen where I was, into a place they called the hay-loft, and shut the door as soon as she had put me in; then she said, if ever she heard me stir, she'd cut my throat. When day-light appeared, and I could see about the room, there was a fire-place and grate in it, no bed or bedstead, nothing but hay to lie upon; there was a black pitcher not quite full of water, and about twenty-four pieces of bread, about the quantity of a quartern loaf, besides which, I had in my pocket a penny-mince-pye, which I bought to carry home to my brother.---I continued in that room a month by the weeks, all but a few hours, no body came to me all the time. Once I saw somebody, look through the crack of the door, but don't know who it was.---I made no attempt to get out till the time I got out; and had nothing to subsist on, during the time but the bread, mince-pye, and water. I got out by breaking down a board that was nailed at the inside of the window. (It was about eight or ten foot from the ground, as she described it) first I got my head out, and kept fast hold by the wall, turned myself round and jumped into a narrow place by a lane, with a field behind it; it was on a soft clay ground--It was then light.---For cloathing I took an old bed-gown, and handkerchief that were in this hay-loft, and lay in a grate in the chimney. I made my ear bleed in getting out; the handkerchief I tied over my head instead of a cap; it was very bloody.---When I was got out I saw nobody; then I went on the backside of the house up a lane, crossed a little brook, and went over two fields; the path-way brought me

me by the road-side; then I went by the road strait to London.---It struck ten o'clock just as I came over Moorfields. I got home a quarter after to my mother's house in Aldermanbury. I met the apprentice first, then I saw my mother and the children; ~~she~~ went into a fit directly. I told Mrs. Woodward, who came to see me, that I had lived on bread and water. Then Mr. Wintlebury came in, with whom I had lived a servant before I went to live with Mr. Lion. He took me by the hand, and asked me where I had been? I said in the Hertfordshire road; which I knew by seeing my mistress's coach go by, which used to carry her into Hertfordshire. I knew the coach, because I used to carry things to it.---In this hay-loft I observed a barrel, a saddle, a bason, and a tobacco mould.

Being cross-examined, she confirmed all the particulars above recited, and was then asked, whether, during the time she was there, she did not try if the door was fastened or not? answered, that she did once push against it with her hands, and found it fast; that she sometimes heard people blowing the fire, and passing in and out; there was another room, in which she heard a noise at night, but the house was very quiet in the day-time; that she eat all her bread on the Friday before she got out; it was quite hard, and she used to soak it in the water; that she drank all her water about half an hour before she got out; that she never had a stool during her confinement, but only made water.

Squires. I never saw the witness in my lifetime till this day three weeks.

Virtue

Virtue Hall. I know the two prisoners at the bar; Wells lived at Enfield-wash; I went and lived there as a lodger. Mary Squires lived in the house, and had been there seven or eight weeks, about a fortnight before Canning was brought in, which was on the second of Jan. about four in the morning; she was brought in there by two men, John Squires, son of Mary Squires, was one of them; the other man I never saw before.---When she was brought in, she had no gown on, nor hat, or apron. Mary Squires, the prisoner, and her daughter, with myself, were then in the house; the Gipsy-man said, mother I have brought you a girl; do you take her; then she asked Canning if she would go their way, meaning to turn whore, but she would not. Then Mary Squires took a knife out of a dresser-drawer in the kitchen, and pushed her up into the room, ripped the lace off her stays, pulled them off, and hung them on the back of a chair, and pushed her up into the room, and said, d--n you, go up there then if you please; then the man that came in with the Gipsy's son, took off Canning's cap, and went out of doors with it; and John Squires took the stays off the chair, and went out with them. Canning was then up in the room. I had been in that room several times before she was brought there; there was a great deal of hay in it, many pieces of wood, a tobacco mould, and the black jugg, which Mary Squires, three hours after the young woman had been there, filled with water, and carried it up. When I went out of the kitchen I went into the parlour; Wells said, Virtue Hall, the Gipsy man came in and told her, that his mother

ther had cut the stays off the young woman's back, and went out with them. I was there a quarter of a year in all, and the whole time that Canning was there, but never saw her after she was put in that room; I was the first that missed her. I asked Squires whether the girl was gone? she answered, what is that to you? you have no business with it; but I durst not go to see if she was gone, if I had, very likely, she would have served me in the same manner. Fortune Natus lodged in the house at the same time.--Mary Squires continued in the house, after this, till we were all taken up; that is, the Thursday after the young woman was gone. I went there as a lodger, but was forced to do as they would have me.

M. Squires. What day was it that the young woman was robbed?

Court. She says, in the morning of the 2d of January.

M. Squires. I return you thanks for telling me, for I am as innocent as the child unborn.

Wells. How long were these people (the Gipsies) at my house in all, first to last?

Hall. They were six or seven weeks in all, they had been there about a fortnight before the young woman was brought in.

Q. Did you ever see this cap or bed-gown before?

Hall. Not to my knowledge.

Thomas Colley, Canning's uncle, confirmed Canning's evidence of her being at his house Jan. 1.

Eliz. Canning. E. Canning, that has given her evidence, is my daughter. After she was missing

missing from New-year's day, I advertised her three times; she came back the day before K. Charles's Martyrdom, about a quarter after ten at night; she had nothing but this ragged bed-gown and cap; I fell into a fit directly; my daughter is subject to fits; there was a garret ceiling fell in upon her head, which first occasioned them; she has sometimes continued in one for seven or eight hours, sometimes three or four, and is quite insensible while in one. When I came to myself, my daughter was talking to Mrs. Woodward and Mr. Wint'bury, who asked her where she had been; she said, on the Hertfordshire road, which she knew by seeing a coach go by; she gave the same account as she has here. When she came into her warm bed she was very sick, and had no free passage through her for stool or urine, till she was supplied with clysters, for seven days after she came home, but what was forced by half a cup full at a time.

John Wintlebury deposed, that he saw Canning the night she came home; that she appeared in a very bad condition, and had this dirty bed-gown and cap on; on asking her where she had been, she said, somewhere on the Hertfordshire road, having seen the Hertfordshire coach go backwards and forwards; she gave the same account as she has now done, but not quite so fully as she did before the sitting Alderman, but all agrees with what she has said here; that he found her in a great flurry, so did not ask her many questions that night.

Joseph Adamson deposed, that he had known Canning for some years, but did not see her after

after she came home, till the day they went down to take the people up: some went on horse-back, and some in the coach with Canning, that he was there an hour before the coach came, and had secured all the people he found there; that seeing the room before she was brought in, he thought she might give some account of it, and returning back to meet her, asked her about it; she described the room with some hay in it; that he went with her to the house, and carried her from the chaise into the kitchen, and set her on the dresser, and ordered all the people to be brought to her to see if she knew any of them; she was then very weak, and he took her in his arms like a child; on seeing Mary Squires, she said, that is the woman that cut my stays off, and threatened to cut my throat if I made a noise. After the girl had said this, Squires said to her, she hoped she would not swear her life away, for she never saw her before. Canning, pointing to Virtue Hall, said, that young woman was in the kitchen when I was brought in, and also another young woman that was there: that then they carried her up to examine the house, but none of the rooms, she said, was that in which she was confined. He asked if there were any other rooms? they said, there was one out of the kitchen; they had her up into it; she said, this is the same room in which I was, but there was more hay in it than there was then. She being pretty near a casement, he said, if you have been so long in this room, you are doubtless able to say what is to be seen out here; she described a hill at a distance, which is Chinkford hill; she

she also said there were some houses on the other side of the lane; I opened the casement and saw it was so. He asked where the window was she broke out of? she shewed it us (there were some boards nailed up against it) and said, that is the window through which I used to see the coach go by; it was big enough for him to get out at; it appeared to him to be the same window before she came up to the house, for he saw some of the plaister broke on the outside; that window was one story high.

Edmund Lion deposed thus. The young woman lived a servant with me till she was missing. I live in Aldermanbury, and was one of the persons that went to Wells's house; I went after the rest of the gentlemen on the first of February, we were there some time before the rest came, and had taken the people up. When she was taken in and placed on the dresser, and the people set round her, I said, Bett, do not be frightened or uneasy; you see your friends about you; and on the other hand, do not be too sure, without you can really swear to what you say; therefore be careful. She pitched upon Mary Squires to be the person who cut her stays off; and upon a young woman said to be the daughter of Mary Squires, and said, that she and Virtue Hall were in the kitchen at the same time, but they did nothing to her. This black jugg was brought down, with a bason, and tobacco mould, which she said were in the room where she was confined; she had described this jugg before, and said it was broke at the mouth, as it appears to be.

Robert Scarrat, who was one of the six that went down, confirmed the several particulars

of the foregoing evidence, and added, that she described the fields, and likewise a bridge, that night she came home, near the house; and gave the same account before the sitting alderman she has done here. John Squires was in the room at the same time; but he had his great coat on at their first going there, but he had pulled it off; she said, he looked like the person but she could not swear to him. They made him put on his great coat before the justice, and then she said he looked more like one of the two men who brought her there.

Edward Rossiter deposed to the same effect.

Sutherto Bakler, Apothecary, deposed, that he saw Canning the day after she came home, she was so extremely low and weak he could hardly hear her speak, and her pulse scarcely to be felt, with cold sweats; she had no passage during her confinement; she had a clyster administered to her the same day, and many more afterwards, which in time relieved her.

Mary Squires, in her defence, called the following witnesses.

John Gibson deposed thus. I live at Abbotsbury, six miles from Dorchester. I am master of the house called the Old Ship; on the first of January 1753, the prisoner Squires came into the house; there was George her son, and Lucy her daughter, as she called them, with her. She came with handkerchiefs, lawns, muslins, and checks, to sell about town; she staid there from the first to the ninth of the month, and lay at my house, which I have kept two years come Lady-day.

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Being cross-examined, he said, he had known Squires three years; that he was born in the town; had a wife and one child, and was bred in the farming way at Fisherton: That he recollected the day by this, that an exciseman came to officiate there for one John Ward that was sick, and that he put down the day of the month when he came; the Excise Office is kept at his house; the man that came was Andrew Wicks; that the prisoner offered those goods to sell to him and to others, and his wife bought two chequed aprons.

William Clark deposed that he lived at Abotsbury, and had so done for seven years; that he remembered seeing the Gipsy there; the last time he saw her was on the 10th of January last; he met them on the road, and went with them some way together, and parted at Crudway-foot, four miles from Abotsbury, and three from Dorchester; that he saw her, her son and daughter three years ago; they came with handkerchiefs, lawns and muslins to sell; I saw the landord's wife at the Ship buy some aprons of them the last time they were there: That he took particular notice of the day, by keeping his other accounts; that he carried goods out with him the same day to Portertham; he had not his book with him, because he did not go so often.--- They were making for London, so they talked, but did not say to what place, they were bound next; they lodged at Gibson's at Abotsbury, where he saw them the 1st of January; that he commonly went there of an evening for a pot of liquor.--- That he did not remember when he kept Christmas-day, nor could give any account of the new stile and old; but if he was to die for the

the woman he would speak the truth. She was clothed the same as now, and the son in a blue coat and red waistcoat, and had a great-coat with him; the girl was in a camblet gown. That he undertook to swear positively that he saw her there on the 1st of January, and either on the 9th or 10th afterwards, and saw them going about the town to sell things; and that he was a house-keeper and cordwinder, and had been in business six years.

Thomas Grevil deposed, that he lived at Coom, three miles from Salisbury; kept the sign of the Lamb, a public house there; that he saw Mary Squires at his house the 14th of January last; there was with her her sister and brother, as she called them; they sold handkerchiefs, lawns, and such things; they stopped at Coom but one night: That the reason of his taking notice of the day was, there was a carpenter at his house, who had spent the greatest part of his money, and it being Sunday night, he would have him go about his business, and put him out of the house two or three times; after that he went to another house, and pawned his axe.

(Those three witnesses shewed their subpoenas, as the cause of their coming to give their evidence.)

John Iniser (for the Crown.) I sell fish and oysters about Waltham-cross and Theobalds; I know the prisoner Squires very well by sight; the last time I saw her, was, when she was taken at Wells's house; before that I had seen her several times every day, up and down, before she was taken; I am certain I saw her three

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weeks before going into peoples houses, pretending to tell fortunes; she told me mine. I saw no goods she had; I saw a young man in blue-grey when she was taken up, and two young women, all taken in the house of Wells.

Wells being called upon to make her defence, said, as to her character it was but an indifferent one, that she had an unfortunate husband who was hanged, and added, that she never saw the young woman (E. Canning) till they came to take us up; and as to Squires, she never saw her above a week and a day, before they were taken up.

Squires guilty. *Death.* Wells guilty. *Branded,* and to be imprisoned in Newgate six months.

Squires, the last day of the sessions, being asked what she had to say before she received sentence? answered thus: On New-years-day I lay at Coom, at the widow Grevill's house; the next day I was at Stoptage, there were some people who were cast away, and they came along with me to a little house at the top of the Moor, and drank there; there were my son and daughter with me; coming along Popham-lane, there were some people raking up dung. I drank at the second alehouse in Basingstoke on Thursday in the New-year's week. On the Friday I lay on Bagshot Heath at a little tiney house. On the Saturday I lay at Old Brentford at Mr. Edwards's, who sells greens and small beer. I could have told this before, but one pulled me, and another pulled me, and would not let me speak. I lay at Mr. Edwards's the Sunday and Monday; on the Tuesday or Wednesday after, I came from thence to Mrs. Wells's house.

Mary

Mary Squires was respited for six weeks; and afterwards the Attorney and Solicitor Generals having represented her case to his Majesty, he was pleased to grant her an absolute pardon.

The reasons that induced these and other gentlemen to interpose in her favour, were grounded on the difficulties and improbabilities that occurred in the course of her trial, and on considering her case; to mention a few.

On her first examination before the sitting alderman, she described the place where she was confined, to be a *dark room*; in which she laid upon *boards*; that there was nothing in it but a *grate* with a gown in it, and a few pictures over the chimney; from which she made her escape by *forcing down some boards*, and from whence she might have seen the coachman without straining her eyes to peep thro' the cracks. There was neither grate nor pictures, nor could the former have been there of a long time, for the whole extent of the chimney was covered with cobwebs. Yet there was that which she must have seen during her long residence there, namely, a casement over the chimney, a chest of drawers of an uncommon fashion, near half a load of hay, a hole in the wall for a jack-line, through which might be seen every thing that was done in the kitchen; several holes were likewise in the floor, where the edge of the boards were rotted away. However, after she had seen the place, when her friends had conveyed her thither to take up Wells and the Gipsy, she found several other particulars, which she omitted at her examination before the alderman.

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Again : It is evident that Canning, at her examination before the Alderman knew nothing of the Gipsy, for she positively swore to her, being robbed and confined by Mother Wells; accordingly a warrant was granted for apprehending Mother Wells only, which was backed by Justice Withers of the county of Middlesex, in which only her name was mentioned.

However, when Canning and her friends came next day to execute the warrant upon Mother Wells, and the people in the house were brought before the girl to find out the criminal, she pitched upon Squires the Gipsy, who accordingly was committed, by Justice Fyshmaker, to New-Prison for the robbery, and Susannah Wells to Bridewell, for aiding and abetting the said Squires in the said robbery.

All this duly considered, and likewise compared with what Canning swore on the trial, *viz.* That *she never saw Mother Wells in the house at all, till she went down afterwards*, is enough, one would think, to shake the credit of this girl's evidence, in the opinion of any impartial man.

As to Virtue Hall, when she was carried with the rest, before Justice Fyshmaker, she stoutly denied that ever she saw Canning, before she and her friends came down with a warrant to take them all up; and affirmed that no such robbery was committed in that house since she had been in it, upon which she was discharged and went home.

When she was brought before Justice Fielding on a warrant he had issued out against her, she

she resolutely persisted in the same declaration, and positively stood to it for six hours together, for so long the Justice had her under examination, till at last, finding his arguments could not prevail with her to confess any thing to the prejudice of Mother Wells or the Gipsy, he plainly told her, 'he would examine her no longer, but would commit her to prison, and leave her to stand or fall by the evidence that should be produced against her; and at the same time advised Mr. Sall to prosecute her as a felon; upon which she begged him to hear her once more, and she would tell the truth.' These are his own words, and let the impartial reader judge, whether the horrors of a jail, with which she was threatened, and the terror of a prosecution for felony, added to the consciousness of her own irregular courses, might not be too powerful motives to secure her own safety, though at the expence of truth. Accordingly she gave her evidence against Squires, as we have already seen.

However, afterwards, being closely pressed, first, by Justice Lediard, and then by my Lord Mayor, by the most weighty arguments, to disburthen her conscience, and tell the truth, she was at length prevailed upon to make the following confession.

'That what she had sworn against Mary Squires was false; that this woman was not in the house of Mr. Wells on the day when the robbery was said to be committed, nor for some weeks after; that no such robbery was committed there at all; and that E. Canning never was in the house till she was brought down by those who carried on the prosecution;

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prosecution; and that the whole story was a mere forgery.

His Lordship then asked her how she came to swear to such a number of falsities, against the life of a person who had never done her any injury? her answer was direct and plain, *that she was terrified into it.*

Squires, however, was found guilty, and sentence of death pronounced upon her, yet not to the entire satisfaction of the whole Court; for my Lord Mayor, and several other gentlemen, were of opinion, that the whole truth had not been discovered, and therefore methods were taken to bring the matter to a fuller examination. Many and strong proofs arising that Squires was at Abbotsbury, and in the neighbourhood of it, at the time the robbery was sworn to be committed, a prosecution was set on foot against Canning, who, at the next Sessions, was indicted for perjury. Her friends being informed of this new proceeding, resolved to invalidate the evidence against her, and accordingly indicted the Abbotsbury men for the same crime. But the Grand Jury, on observing the manifest contradictions in the evidence of such a number of witnesses as appeared for each party, to prevent the scandal of so many horrid perjuries, threw out both the bills. This was at the April Sessions. Before the next Sessions in June, Canning's friends were informed, that another bill would be preferred against her, for which reason they preferred bills against the Gipsy's witnesses; all which bills were found the 9th of June, and the same night it was agreed by the solicitors on both sides, that the indictments should be removed by

by Certiorari into the King's Bench, and to be tried the sittings after term. But that being found impracticable, they were sent back again to the Old Bailey, and the solicitor for the country witnesses gave bail for their appearance at the next Sessions to be held there; but the solicitor for Canning refused to do the same for her, and her friends kept her a long time in concealment, till she was forced, by an outlawry, to come forth and take her trial; which we shall presently give.

The Abbotsbury Men, for Perjury. September, 1753.

JOHNS GIBSON was indicted, for that he, on the trial of Mary Squires, for robbing Elizabeth Canning of a pair of stays, wickedly and maliciously intending to prevent justice, did say, depose, swear, and give in evidence to the Court and Jurors, that on the first of January, 1753, the prisoner came into his house at Abbotsbury, together with George her son, and Lucy her daughter, and that she, the said Squires, came with her handkerchiefs, lawns, muslins, and checks, to sell about town, and staid from the 1st to the 9th of the month, and lay at his house, and was sure that she the said Mary Squires, was the same Mary Squires, whom the said John Gibson had sworn had come and staid there as aforesaid: whereas, in truth and in fact, neither the said Mary Squires, nor George her son, nor Lucy her daughter, were at Abbotsbury.

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Abbotsbury, nor at the house of the said Gibson, at the time sworn to as aforesaid; and therefore that the said John Gibson was guilty of wilful and corrupt Perjury.

All the witnesses on the back of the bill were called out to give evidence; but no one appearing except Mary Woodward, and she declaring that she knew nothing of the matter, an officer was sent to the prosecutors to attend the Court, but none of them appearing, the Jury acquitted the defendant.

Then came on the trial of William Clark of Abbotsbury in the county of Dorset, Cordwainer: and the indictment setting forth the evidence he had given on the trial of Mary Squires, which is said to be false, malicious, wicked and corrupt; but no evidence appearing to support it, he also was acquitted.

Then was called on the trial of Thomas Greville, of Coombe, in the county of Wilts, for corrupt swearing in the evidence he gave, that the said Mary Squires was at his house on the 14th day of January.

He also was acquitted for want of evidence.

During the time a messenger was sent to the prosecutors to attend the Court, Mr. Davey, Council for the defendants, took that opportunity of addressing himself to the Court as follows.

My Lord,

I have the honour to appear before your Lordship in behalf of the three defendants, who stand indicted for perjury, supposed to have been committed by them in this place, upon the trial of Mary Squires, for the robbery of Elizabeth Canning at Enfield Wash, in January last.

Gibson and Clark are charged with falsely swearing, that Mary Squires was at Abbotsbury from
from

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from the first to the 9th of January; and Greenville, that she was at Coombe on the 14th.

If their testimony was true, Mary Squires was unjustly accused; but it was her's and their misfortune, that it then obtained no credit. They were strangers, unknown to every body at the trial. Canning was positive, and being by unfair means confirmed in her evidence, Squires was convicted.

Upon this charge of perjury great care hath been taken, attended with great expence on either side, to search this matter to the bottom; every circumstance hath been scrutinized, and nothing hath been omitted to investigate the question thoroughly.

It hath a long while been the general subject of conversation, and hath engaged the attention of the public, more, perhaps, than any private transaction ever did before.

Here are the names of no less than fifty witnesses indorsed upon each of their indictments; yet only one of them, a poor woman, whose evidence is immaterial, appears to prosecute!

This desertion may occasion various conjectures, and many false reports will probably be suggested for not prosecuting these indictments.

It may perhaps be attributed to a compromise. It may be said, that these defendants are to be acquitted by consent, and that the indictment against Canning is to be dropped. One cannot easily imagine what rumours malice may raise.

For this reason, and to prevent any imputation upon those who are concerned for the defendants, I beg leave to assure your Lordship, and all who hear me, that the defendants now
come

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come prepared for trial; that their witnesses attend your Lordship, ready to give their testimony with such clear, ample, convincing circumstances, as would demand universal assent, and fully prove the innocence of the three defendants, and the falsity of Canning's story in every particular.

Here are witnesses, more in number, than perhaps ever appeared in any one cause, collected together at a vast expence, and from different remote places.

Here is *other evidence* also ready to be produced, such as, *in its nature, cannot deceive.*

The prosecutors have been invited to meet them before your Lordship and the Jury; and so desirous were the friends of the defendants, that this matter should be fairly tried, that they have offered to bear part of the charges of this prosecution.

The public has been a long while amused with promises, that in the trials of these indictments, the guilt of the defendants should be clearly manifested, and the whole of this mysterious transaction unravelled. The time is come to perform these promises, and thousands expect it. Why do all these boasters now hide their faces? because they are covered with confusion.

They are aware how dangerous it is to pursue a prosecution founded in the foulest and most daring perjury; and wisely withdraw themselves from a trial which would involve them in ruin.

Had I considered the case of the defendants alone, without regard to any other persons, I should

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should have thought it needless to give the Court any trouble upon this occasion.

They are private countrymen, without any connections with this part of the world, and totally unconcerned with any report which may prevail here. Within the narrow circle of their acquaintance, their characters will remain unblemished, let fame do its worst; because the charge against them is the attestation of a fact, which all their acquaintance, all their parish, and their whole country know to be true.

But there is one*, whose near relation to this great city, makes it necessary for me to say thus much.

It is impossible for him to be unsolicitous for publick approbation, after having done so much to deserve it.

Yet all the reproaches which malice could suggest to little, dark, designing men, have been levelled at the chief magistrate of this city, only for doing what the love of justice and humanity inspired him to.

For his sake, therefore, I have thus trespassed on your Lordship's patience, and only beg leave to add a few words more, to shew how unmerited those reflections were.

His Lordship was at the head of the commission at the trial of Mary Squires, and was totally uninfluenced by the infamous endeavours which at that time had been used to give credit to a most improbable narrative; he was directed merely by a regard to truth, to make enquiry into a

* Sir Crisp. Gascoyne, Lord Mayor.

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story, pregnant with absurdities, and unlike any transaction that ever went before it.

And the evidence of E. Canning depending intirely upon this question, whether the account which these three men had given was true, where could his Lordship so properly direct his enquiry, as to those places where they swore they had seen her? the success of that enquiry answered the wishes of his humanity; and the most indubitable proofs of the convict's innocence warmed the royal heart to mercy.

One should have thought, that this conduct of a magistrate, whose sole motive to it was a desire of rescuing a wretched, friendless convict, from the miseries into which perjury, and popular prejudice had thrown her, should at least exempt him from censure.

But his enemies could never forgive him the merit of this action; as it raised him still higher in the opinion of good men, he became more the object of envy, and no arts were unessayed to diminish the reputation he had justly acquired. Had my Lord-mayor been present I should not have said so much; but I have been the more encouraged to it from observing, that *his Lordship withdrew himself* as soon as these causes were called, because he was pleased to think, that it was improper for him to preside, where any thing that might be thought to concern himself, should come before the Court.

I have an apology to make for giving your Lordship any trouble, where there is no prosecution, but as the Court waits the return of a messenger, and no business is now proceeding upon, I hope I have given no offence.

The Trial of JOHN LANCEY and JOHN LLOYD, for burning the Ship Nightingale, Feb. 1754.

AT a Court of Admiralty held at Justice-hall in the Old-Bailey, Feb. 25, 1754, JOHN LANCEY and JOHN LLOYD were indicted for unlawfully burning and destroying the Ship Nightingale, Thomas Benson, Esq; owner, on the High-Seas, within the jurisdiction of the Admiralty of England, with intention to defraud Robert Liddel, Samuel Touchet, George Rooke, and Vincent Biscoe; and Thomas Pow, otherwise Poe, as an accessory before the fact, for counselling, advising, &c. to commit the same, Aug. 4, 1752.

Peter Marshal. I have been seven years employed in the service of Mr. Benson, who was owner of the Ship Nightingale, and another called the Catherine, and have been employed as master two voyages in these vessels, once in each. In the year 1752, I was not master in either of them, but was employed in fitting out the Catherine in the Spring that year. I had been sick, and Mr. Benson came to me and desired me to go as master of the Catherine, and told me she was not to perform her voyage. Some time after that, he desired me to pack up a small quantity of goods for him, consisting of 90 pieces of Irish linen, some hardware, brass, and pewter, which were shewed to the Custom-house officers, and were entered at the Custom-house. After they were packed up and viewed by the king's officers, they were

I 2

taken

taken out by Mr. Benson's order, he himself being present, and brickbats and hay put in their place. Some were put on board the Catherine, but put on shore again afterwards, and the brickbats and hay sent in their stead. After she sailed, these goods were packed up, in order to be shipped on board the Nightingale, but I was not there then; but Mr. Benson told me so.

Council for the Prisoner. This is giving an account of a conference between the evidence and Benson. I don't perceive this was with the privacy of any of the prisoners.

Council for the Crown. We are going to shew the goods were packed up to be sent on board the Nightingale, and after that were re-landed.

Marshal continues. Benson asked Lancey to be in the room when these goods that had been entered at the Custom house, in order to be sent on board the Catherine, were unpacked and brickbats put in, in order to be put on board the Nightingale. This was in Mr. Benson's long room, about two miles from Biddeford. They were packed up in small bales, twelve or sixteen pieces of Irish linen, and some wool-len. I remember nothing of hardware or pew-ter. This I saw, but did not see them put on board. Mr. Benson sent me to the Island of Lundy, and gave me orders to stay there five or six weeks, to look after the affair, till I heard farther from him, and to take care to send his nephews home. Whilst I was there the Ship Nightingale came, which was the latter end of July; Lancey was master of her, and Lloyd was mate, I and three or four men went on board her. We came there one or two day before

before she arrived. After this, Pow told me he was sent by Mr. Benson, to agree with the ship's company, that in case the ship miscarried in her outward-bound passage to Maryland, he was to secure so much money for them; but I did not hear the agreement made. There was a small bundle of papers left with me, but I do not know the contents. The ship was then lying in Lundy Road. Capt. Lancey brought me a letter from Mr. Benson, (*he is shown one*) this is it; it is his own handwriting; at the conclusion he says, 'Lancey will communicate some hints to you.' Directed to Peter Marshal, and signed T. B. Lancey accordingly told me, he had orders from Benson to re-land the goods that were shipped on board the Nightingale, on the Isle of Lundy. They were accordingly landed, and all buried under ground. There were 15 or 16 bales of goods, and five or six mauns or parcels of pewter.

Q. Who does this Island belong to?

Marshal. I don't know; but Benson rents it; it is near three miles long.

Q. By whose orders were they buried?

Marshal. By Mr. Benson's orders, who sent a man over with hogheads to put the goods into when we buried them; as the man that brought them told me. Lancey and Lloyd were not privy to the burying the goods; neither was Pow there, but was at their landing them on the Island. Most of the goods were on shore before I came on board the second time: I had been on board before.

Q. Who gave you the bundle of papers?

Marshal. Pow left them in the window, he did not deliver them to me; and Thomas Salmon said he had an order to have them from me, and I delivered them, and when Mr. Benson came on the Island, they were burnt immediately by him and Salmon in my presence. This was after the information was made.

Q. Were all the goods buried that were on board the ship?

Marshal. No, there came a man of war along side of her, and some of the goods were hove over-board.

Q. What was the conversation with Pow, before you came to the Isle of Lundy?

Marshal. Pow asked me to go as a passenger in the Nightingale to Maryland, I said, if I had a cargo sufficient to furnish a new vessel, I should be glad of the offer. He said, supposing the vessel should miscarry, and you should have orders to draw bills on Mr. Benson, would not that do as well? I told him I would not go on any terms whatever.

Q. Did he say the vessel should be lost?

Marshal. Not plainly; but I understood by him it was to be so. After the goods were re-landed in the Lundy Road, we were drinking a bottle of wine together; he told me, Mr. Benson had insured for me 50 or 60 l. on board the Nightingale. I told him I had no interest on board her; and as I was going to drink a glass of wine, I said, I wished it might be poison if ever I asked to have any interest on board. After this I went home to Mr. Benton; he told me he had wrote to the officers, to contradict that of my having any interest on board her.

Cross-examination.

Q. Was Lancey any-ways privy to the hiding the goods?

Marshal. I do not know that he was; that was done after the vessel sailed. When Mr. Benson came on the island, we had some suspicion that the King's Officers were coming to search the island; upon which they were buried; I was present at the time.

Q. Did you see Lloyd when the goods were packed up at Benson's house?

Marshal. I do not remember I did; I do not know he was acquainted with any of the things I have been speaking of.

Richard Ashton. I was apprentice to Mr. Benson, and have been with him three years; I was on the isle of Lundy, and remember the ship Nightingale coming into the road there; she staid about three or four days; I went on board her, where were Marshal, Jeremiah Magra, and another Person, now on the island, and John Sennet; I was in the boat, and they in the ship; there were bales of cloath put out of the ship into the boat, and carried on shore in the island the first time; the second time we carried several maunds of goods; when we had them on shore we opened the bales. This coat, waistcoat and breeches, I now have on, were made of some of the cloath we brought from on board the Nightingale; we put them into casks, and hid them under-ground in the island; Andrews and Magra buried the pewter in the rocks.

Richard Sennet. I was a sailor on board the Nightingale; 'Squire Benson invited me to enter

ter myself a seaman on board her, which I did about nineteen or twenty months since; he told me to carry but very few cloaths with me, for it would not be above a three weeks or a month's voyage; and that I should know my business farther when I came to the island; I assisted in loading the vessel; that there were seventeen or eighteen bales of goods; there were some bales on board on the account of Captain Lee.

Q. What conversation had you with Benson on this account?

Sennet. Before the ship sailed, I was with him at a place called Boathhead; he told me there was a hogthead of dry goods, which we put in the Rope-walk till after the officers had been there; then it was put on board the Nightingale, and laid on some salt, where also lay some bale-goods; we had fifteen Convicts on board. About the latter end of July we arrived at the island of Lundy, on a Thursday; the wind was at the westward, and we were two days turning to it; we staid there till the Sunday morning; during our stay there, there came a boat on board from Lundy, with Marshal, Magra, and several people belonging to the island. Pow and Lancey were in the cabin, and called me to them; Bather was coming out when I came in; Pow gave me a note, Shackstone was there also; I believe Lancey was gone out when Pow gave me the note, and said, here is a Bill for you, if the ship should happen to be lost in her passage outward-bound to Maryland. The note run thus:

I promise

I promise to pay to Richard Sennet, the sum of 45^l in case the vessel is lost in her passage to Maryland.

He said, you never saw so much money before, and the voyage would not be long. He said, he'd deliver the notes to Capt. Marshall, that he might deliver them to our wives, in case we should come to any danger. He did not say when these notes became payable, nor was any thing said about insurance money; the notes were given after the goods were landed; the boat went with them two or three times with seventeen or eighteen bales of goods, and five or six maunds of pewter and brass; there were a great many casks in the hold, but what were in them I know not; there were tarpaulians hung up before the Convicts on the hatchway, that they should not see the goods taken out of the vessel. On the Sunday morning we sailed from Lundy; the next day, about eighteen leagues from shore, we met a brig from Philadelphia; our Captain hailed him, asked where she came from, and sent two bottles of wine and a cabbage on board her. She steered with us; but was about a league a-head of us, when orders were given to destroy the vessel.

Q. Who gave those orders?

Sennet. I do not know. When the hole was boring in the side of the vessel, Capt Lancey ordered me to go to a cask where was some combustibles, and cut it up, and take out what was to burn the ship; somebody had bored a hole in the side, for there was water coming in when I went down, to do as ordered. I went and cut the hog'shead, and Shackstone and I cut it open; this was the same hog'shead that 'Squire Benson ordered

ordered me to put out of the way of the officers; there were in it, tar-barrels, staves, and wadds of oakum, dipped in tar. Shackstone and I laid them abroad on the Salt. Capt. Lancey had said, when he gave me orders to take them out of the cask, that she would sooner be destroyed by fire than any other way, and that now was as good a time to destroy her as any; then he ordered some of the people to cut a hole in the bulk-head near the bread room; I went to cut a hole, and cut my leg with the hatchet; I came up and told the Captain my misfortune, and could not do it. About half an hour after this, the ship was set on fire; then the Captain went fore and aft the deck, and asked the Transports if they had set fire to the ship? they said they had not. Then he ordered to have them cleared directly, and the mate was very industrious in clearing them; then we went all hands into the boat.

Q. Did you see Lloyd employed in any thing about destroying the ship?

Sermet. I did not. The boat we got into was one Mr. Benson ordered for the ship; tho' it was full large for that ship. The Philadelphia-man saw our boat coming towards him, and the smoke arising, and we had fired a gun by the Captain's order. The vessel came towards us. When the combustibles were lighted, we all said it was the best way to fire a gun; and it was loaded about two hours before by the Captain's order. He said it was for the ship that was a-head to hear us. We were taken on board the Philadelphia ship, except some who tarried in the boat along-side her two or three days; after which

which we were landed by the assistance of a fishing-boat.

Q. What, did you see Benson after this?

Sennet. Two days after we got on shore. He smiled and said, so Dick, the work is done too quick; I had but just made an end of my insurance. He applied to me to make protest of the loss of the ship. About three weeks or a month after, the prisoners were taken into custody, upon James Bather's information. Benson desired us all to swear to the protest. I went over to Barnstable, and when I returned, the Captain and mate, and my brother Sennet, were taken into custody. Benson said, if I did not swear to the protest it would cost the Captain his life.

Q. Was Lloyd one of those saved in the boat?

Sennet. He was; I believe he was concerned in launching the boat. I was in company with Pow in the isle of Lundy before the ship set out; when he proposed to me a note for money. I proposed to have twenty pound more, which was granted, and added to the aforesaid note, and written on the back, but did not say at what time it should be paid.

Cross-examined.

Q. How many men were there on board?

Sennet. There were three sailors besides the Captain, two mates, two boys and a man cook, besides fifteen or sixteen transports.

Q. Was Lloyd acquainted with any of these transactions?

Sennet. I don't know that he was, only in making his escape with the rest.

Council

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Council for the Crown. Was the design of destroying the ship made a secret of on board.

Sennet. I don't know whether all hands knew it or not.

Q. from Lancey. Whether or no I knew of the combustibles on board?

Sennet. He bid me go to such a vessel and cut it abroad; and the hole in the bulk-head was cut right against the combustibles.

James Bather. I was shipped on board the *Nightingale*, 'Squire Benson owner about twenty months ago, I was shipped by the prisoner Pow. I had come home passenger in one of Mr. Benson's vessels, and owed Mr. Pow some money, and when I saw him would have shunned him; he called me to him, and asked me to go with such a vessel; I told him I had made a very bad summer's work of it, and could not pay him; he said, if you will go in the *Catherine* or *Nightingale*, you shall make your summer's work, your year's work double. I did not understand what he meant by that. He said, you shall go boatswain of the *Nightingale*, and have 30s. a month; I agreed to it, and went and helped rigg the vessel, and was on board when she sailed from Appledore to the isle of Lundy, and anchored in that road in fifteen fathom water; after that Marshal and Magra came on board. Lancey and Pow were there; Pow said to me, have you a mind to accept of a note for 40l. in case an accident should happen in the voyage outward bound? I asked them in what shape? Pow said, by way of security for your cloaths and chest. I refused it, but said, 45l. might do; accordingly it was wrote upon the

the back of the note, clear money. I being ignorant, did not know how the note was drawn, or when payable. I had it some time, and afterwards it was sent to Lundy.

Q. Were your cloaths and chest in all worth 45 l.

Bather. No, nor 20 l. neither.

Q. Why was your notes sent to Lundy?

Bather. Because we were afraid of carrying them with us, for fear they should be burnt; for it had been talked of in the cabin by Mr. Pow, that the ship should be destroyed. Lancey wrote the notes, and Pow signed them. Lloyd was not there at that time. I am not certain whether I received the note from Lancey or Pow. The next evening a boat came from the island; the Captain and Lloyd were then on board; Lancey himself hung up a tarpulin, that the Convicts might not see what things were brought up; the boat came once the first night, and twice the second, and carried away 17 or 18 bales of cloath, and two large and four small maunds; there remained 350 bushels of salt, with mats about it, to keep it from the sides of the ship. We sailed from Lundy on Sunday morning, and sailed all day and all night; on Monday morning we saw a vessel; she came up and spoke with us, failed, and might be a league and a half from us, before the Captain ordered Richard Sennet to go and cut a hole in the bulk-head. After Sennet came up, and said he had cut himself; Lancey ordered me to go down and cut a hole betwixt the bread-room and salt, in order to put a candle in. I went down and did it; and afterwards, by his orders, bored a hole in the ship's bottom; I flopt it with a marlingspike, and

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went on deck to see where the *Philadelphiaman* was. After the boat was hoisted out, Lancey ordered me to go down and set fire to the ship; accordingly I went down with a candle into the bread room, and looked through; I saw oakum dipped in tar, drew some of it near me, and set fire to it; then I ran up upon deck; the Captain was there; he called down to the prisoners, and said, *what are you about? what have you done? you have set fire to the ship.* They were greatly surprised, and said they knew nothing of it; the Captain said he was ruined, and desired the boat to be hoisted out; we cleared the prisoners, and went into the boat, convicts and all; two or three of us went on pretence to put out the fire, after it was gone too far. The *Philadelphiaman* came and took us in. Capt. Lancey gave Lloyd a blue coat; I had a coat, waistcoat, and shirt given me; we got safe on shore, and in two or three days after, saw Mr. Benson. He called us into the great parlour, and gave each of us a dram, and desired us to go and swear to the protest; we said we would not unless he gave us fresh notes.

Q. Did you swear to the protest?

Bather. I did; and the next day went to Exeter, to make discovery of it. I went to Mr. Code, an under-writer, and swore that the protest was false.

Q. Have you received any money upon the note?

Bather. I have received 5l. 2s. of Mr. Pow, and he told me when the insurance money was recovered I should be paid the rest.

Anthony Metberall, second mate, confirmed the several particulars deposed to by the foregoing witnesses,

witnesses, in relation to the transactions at Lundy, and the boring and firing of the ship; and added, that he heard Lloyd say, as they were going near Appledore, he was to have 60 l. for his share, but did not say for what; that he told this to a boy, because he had a suspicion that that boy had made a discovery; so this was said to him to cause him to keep it secret.

Thomas Sharpe, a sailor in the same ship, deposed to the same effect.

Q. from Lancey. Did you see me concerned in any notes, or landing the goods?

Sharpe. No, I did not.

Francis Shackstone, a mariner on board the *Nightingale*, deposed, that when he came on board he had a note delivered to him for 45 l. signed by Pow; the purport of which note was, that in case the ship was lost, between that and the Cape of Virginia; he, the deponent, was to have so much money. The rest of his evidence entirely corresponded with what had been before given by the other witnesses; except only with this addition, that he received of Pow to the amount of 45 l. on account of the note after he came home.

Q. from Lancey. Was I by when the note was given you by Mr. Pow?

Shackstone. Yes; this was in Biddeford, at a cook's shop; when I was desired to sign the protest, upon which a fresh note was given me.

The Council for the Crown closed their evidence by shewing the politics, and called Mr. Edward Maund to prove one for 400 l. in the

names of Lancey, Touchet, Rook, and Biscoe, for each 100l. This policy was made out by order of Mr. Benson, as Maund proved by a letter of Benson's own hand-writing.

Q. How much was insured on the cargo of this ship?

Maund. There was 800l. at first, and 900l. by a subsequent order.

The Council for the Crown said they had other politics to produce, to prove that the ship and cargo were insured for 2100l. but this being sufficient to shew the intention of the defraud; they would rest it here.

The principle objections that arose from matter of law, urged by the council for the prisoners, were in favour of Pow; thus:

1. Whether the crime he was charged with, is within the jurisdiction of the Admiralty of England; that of a person, as an accessary, upon land, to the burning of a ship, and if that is committed afterwards on the High-Seas, it was submitted to the court, whether he was not liable to be indicted at the assize for the county where the offence was committed; and the island of Lundy was in the county of Devon.

2. That in the statute upon which the indictment was founded, the 11th of George I. Cap. 2. the words are, as to this crime, 'It is, amongst other things enacted, that if any owners of, or Captain, Master, Mariner, or other officer belonging to any ship, should, after the 24th of June, which shall be in the year of our Lord 1718, wilfully cast away, burn, or otherwise destroy the ship of which he shall be owner, or into which he shall belong, or in any manner of ways direct or procure the same

'same to be done, to one, or of any merchant or merchants, that shall load goods thereon, he shall suffer death.' That this clause does not run in general words, but is confined to persons either concerned as owners or mariners, and that Pow, being a taylor by trade, and lived at Appledore-point, in the county of Devon, and was neither owner, captain, master, or mariner, it was submitted to the Court, whether he could be found guilty of the crime he was charged with?

Capt. *Lancey*, in his defence said, that at the isle of Lundy he took in provisions, but took nothing out of the ship; that he sailed as soon as the wind permitted; that the ship, contrary to his knowledge, took fire, and had not the boat been hoisted out immediately, all their lives would have been lost; after which they were taken up by Capt. *Nicholson*, and that each of these witnesses signed the protest.

Lloyd said, that whatever was acted on board the ship, was a secret to him; and he knew nothing of the affair.

Pow said, he knew nothing of the bills they charged him with, that he never gave them such orders as they had said, and that the man who swore against him was in his debt.

To Capt. *Lancey's* character, Mr. *Merryweather* said, he had known Capt. *Lancey* ever since he came to town; that he came to his house from the gaol at Exeter, and might have gone away if he would; that the Jailor trusted him to go to the play twice, and he had the honour to return.

Daniel Nicholls said, he had known *Capt. Lancey* ever since he was a child, and had sailed with him some years, and that he is as good and well-behaved a man as ever he sailed with in his life, and did not think he would be guilty of setting fire to his ship in order to cheat the insurers.

Lancey. Please to call *Capt. Marshal* to my character.

Marshal. I have known *Capt. Lancey* from a child. He has had as good a character as any man in the world, before this accident happened.

Several persons appeared to the characters of *Pow* and *Lloyd*, and spoke very handsomely of them; especially of the last, of whom it was said, that if there was an honest man in the world, he was one.

The evidence being closed for the prisoners, the council for the prosecution replied to the objections before mentioned by this prisoner's council, to this purport.

To the first, that no person can set fire to a ship at sea, that is not master, captain, or mariner, and therefore such only can be considered as principal felons; and it having come out, that the master did set her on fire because he ordered it; and therefore he is indictable as a principle on this act of parliament: If so, then any person that instigates, incites, or advises the mariners on board to commit the fact, is an accessory before the felony committed, at common-law, that being made so by the statute, and therefore triable in this court.

To the second, 'twas answered, if the crime *Pow* was charged with, had been committed in the body

body of the county of Devon, there would have been some colour for that objection; but the notes were given by him in the cabin of the ship Nightingale, as she was riding at anchor in the road of Lundy, where the tide has its flux and reflux; which is the same, as if she had been ever so many leagues from shore, and is certainly triable in the jurisdiction of the high Court of Admiralty, for inciting, moving, instigating, stirring up, persuading, advising, &c.

The Jury brought in their verdict, Lancey, guilty. *Death.* Lloyd, acquitted.

And that Pow, before the said felony was committed by Lancey, near the Isle of Lundy, did incite, instigate, move, stir up, and counsel the said Lancey to commit the same; but they found him neither owner, captain, nor mariner, and so referred it to the Judge of the Court.

John Lancey, aged 27, was born at Biddeford, in the county of Devon, and descended from a reputable family in that neighbourhood. He was a young man of good parts and understanding, improved by an education suited to the course of life to which he was destined, which was the Sea. He always behaved suitable to his station, with the utmost integrity, and to the satisfaction of all those with whom he was concerned. In short, he is allowed to have lived an unblemished life till he engaged in this iniquitous transaction, the occasion of which, he accounted for in the following manner.

He said, he had been upwards of ten years in the employment of Mr. Benson, a gentleman of that country, of a very opulent fortune, and well esteemed; that he had married a relation

a relation of Mr. Benson's, and having been so long in his service, master of different vessels belonging to the same owner, and experienced many instances of his friendship, he could not but consider him as the master of his fortune, and rested his whole dependence upon his favour.

After bringing home the ship *Nightingale* safe from a former voyage, he had a fit of illness, which reduced him in his circumstances pretty much. On his recovery, Benson sent for him, and proposed fitting out the same vessel; and then, for the first time, communicated his design of making a large insurance upon her, and having her destroyed. Lancey said the proposal startled him, but recollecting himself, replied, Sir, *I flatter myself you have never known me guilty of a bad action since I have been in your service, and surely your mention of this matter to me now, is only with a view of trying my integrity.*

Some time afterwards, Benson invited him with some other gentlemen to dine with him. Lancey went, and was very kindly received, and desired to stay till the rest of the company were gone: he did so, and as soon as they were by themselves, Benson walked with Lancey, to a pleasure-house in the garden, renewed his former proposal, and urged him to a compliance with great earnestness; till at last Lancey plainly told him, that if such were the conditions of continuing in his service, he must seek out for business somewhere else, for he could not prevail with himself to come into such a scheme.

They had drank plentifully before, and Benson still plied him with more wine and more arguments;

arguments; up on which he touched upon a tender string; his necessities, his wife, and two children. *Why will you, says Benson, stand so much in your own light? consider your circumstances, consider your family; you may now have an opportunity of making them and yourself happy.* His arguments unfortunately prevailed, and Lancey was undone. The prospect of such large advantages, joined to Benson's strong and repeated assurance of protection, gilded the bait till Lancey swallowed it. The temptation was great; but what punishment can be bad enough for the tempter?

To these last motives, Lancey ascribed his embarking in this flagitious conspiracy; but having once engaged in it, he acknowledged he was particularly active in carrying it into execution, and equally tenacious of the credit of his seducer.

In what manner, and by whom this villainous scheme was put in execution, has already been related in the course of the trial, and therefore need not here be repeated, except some circumstances relating to the protest, *viz.* That on Thursday the 6th of August, Lancey with Lloyd the chief-mate, Anthony Metherall second-mate, and James Bather the boatswain, went by the express directions of Mr. Benson, before Mr. Narcissus Hatherly, of Biddeford, notary public, and there swore, among other falsities, that the Ship Nightingale's taking fire, was purely *accidental and casual*, and proceeded from some *unforeseen accident or cause*, which was *not* in their power to hinder or prevent, and not from *carelessness, wilfull neglect, or mismanagement*, to their, or either of their knowledge or belief;

belief; and that the loss of their ship and cargo, and every thing on board, was a *total and unavoidable* loss by *accident* of fire.

Every thing having thus succeeded to his wish, Capt. Lancey, not in the least apprehensive of detection, went home to his family, where his first care was, to secure the wages of his evil-doings. To this purpose he wrote to his correspondent at Exeter, whom he had employed to procure him an insurance of 130l. upon this voyage, acquainting him with his pretended loss; which he followed in about a fortnight after, with another letter, accompanied by proper vouchers for the recovery of the money so insured. As this last letter may serve to illustrate the intention of this foul conspiracy, we shall insert it from a copy allowed by Lancey to be genuine.

Northam, August 23, 1752.

‘S I R,

‘I have sent you by this post, the police, my
‘protest, and my affidavit, annexed to the in-
‘voices of my loss, besides 15 guineas advanced
‘to the sailors, which I imagine I shall be
‘able to come at, but rely on your superior
‘judgment to make application for me, as I
‘am so much a sufferer; besides fundry other
‘Items, I have omitted in my invoice, which
‘really were on-board, at the time when I
‘sustained my loss.

I am, Sir, your most obedient Servant,

John Lancey.

To Mr. John Williams, Merchant, at Exon.

Mean while, Lancey, having no particular employment, spent his time at home, and about the neighbourhood, with all seeming unconcern; and when Lloyd, on the 26th of August, told him he heard that Bather was going or gone to Exeter, and upon what account, he seemed to give no credit to it, neither did he attempt to secrete himself on that occasion.

However, in a few days, he was fully and fatally convinced of the truth of Lloyd's intelligence; for on the 29th, as he was returning from a walk he had been taking, he was accosted by the Constable of Northam, and a Bailiff of the Sheriff of Exeter, who told him, that information having been made against him by Bather, for wilfully destroying the Ship Nightingale, with intent to defraud the insurers, a warrant was granted against him, and the rest of the ship's crew, which they were come to execute.

Lancey very chearfully submitted, and being taken into custody, was carried to a public-house in the neighbourhood. No sooner was the Captain's detainer known abroad, but as many of the crew as were thereabout surrendered themselves to the same warrant; however, only Lancey, Lloyd, and John Sennet were detained, and the rest immediately discharged. Lancey was permitted to go to his own house unattended, and Lloyd and Sennet to their respective lodgings on their bare parole, that they would appear the next morning at the same house; which they did, and proceeded from thence together to Exeter, and after examination, were put

put under a strong guard in an inn. After another examination, Sept. 14, Lancey and Lloyd were committed to the County Gaol, and Sennet to Bridewell.

They continued in the Gaol of Devon about three months; and in the beginning of December were removed by *Habeas Corpus* to London; where, on their arrival, they were examined before Sir Thomas Salisbury, Knt. Judge of the Admiralty; when they were both ordered to stand committed. In the course of this examination, a proposal was made to Lancey, and some time given him to consider of it, which very probably would save both his life and liberty, had he embraced it; but he rejected it, chusing rather to fall a victim than make a sacrifice; and so on Monday the 18th, they were both sent to the Marshalsea.

During their confinement here, several applications were made to get them admitted to bail, but unsuccessfully, till July 3, 1753, when Dr. Haye, and Dr. Smanbrooke moved the Court of Admiralty in behalf of their clients, John Lancey, Thomas Pow, John Lloyd, and John Sennet, that a session might be held, and their clients tried; or that they might be bailed or discharged. Upon which motion, the Court resolved that John Lancey be admitted to bail in 1000 l. and two sureties in 500 l. each; John Lloyd in 500 l. with two sureties in 250 l. each; and Thomas Pow in 1000 l. with two sureties in 250 l. each.

This resolution of the Court flattered their hopes for some time; but were soon convinced, that they were built on an unstable foundation. The grand seducer, who had prompted them to the

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the commission of the crimes, and had involved them in all these difficulties; Benson, whose power they expected would protect them, and whose riches were to support them, was himself obliged, by a precipitate flight, to seek an Asylum in a foreign country. Thus, being unable to comply with the terms of their being bailed, they were forced to submit to a continuance of imprisonment; and were remanded to Newgate to take their trial at the next sessions of Admiralty.

While Lancey was in the Marshalsea he had contracted an acquaintance with a celebrated young lady, who was very desirous of continuing her visits to him in his new apartment; this he absolutely refused, and desired to be excused with good manners, accompanied with some wholesome advice.

In the several conversations, says the Ordinary, that passed between the prisoner and me, I don't remember that he ever expressed any resentment, against either his prosecutors, or Bather who made the discovery, whose account he admitted, in general, to be true. For two days and two nights, he would not suffer his prayers to be interrupted, even by sleep, and to his last hour behaved with a steadiness and composure, very seldom seen on the like solemn occasion.

He suffered at *Execution Dock*, June 7, 1754.

The Trial of ELIZABETH CANNING, *for*
Perjury, May, 1754.

ELIZABETH CANNING, Spinster, was indicted for wilful and corrupt Perjury on the trial of Mary Squires, the Gipsy, in swearing that she was robbed by the said Mary Squires of a pair of stays, value 10s. in the house of Susannah Wells, at Enfield-wash, Jan. 2, 1753.

The witnesses were examined apart.

After the indictment was opened by the Council for the prosecution, William Chetham produced the copy of the record of the conviction of Mary Squires, at the Sessions-house in the Old Bailey, which was read; the purport of which was, that she was tried and convicted for the same.

Then Thomas Gurney, the minuter, was called, who deposed from his minutes, to the contents of Canning's evidence given in Court upon that trial; that she was met by two men in Moorfields, on Jan. 1753, near Bedlam-wall, who robbed her of her gown, apron, hat, and 13s. 6d. and took her away to Enfield-wash, to the house of Susannah Wells; where she was robbed by Mary Squires of her stays, at about four o'clock the next morning, and put into a hay-loft, where she continued 28 days, all but a few hours, &c.

Esther Hopkins deposed, she lived at South Parrot, in Dorsetshire, that she believed she saw the Gipsy woman, her son and daughter, (who were all three in the court, that each witness might see them as they came to give evidence) at her house on the 29th of December, 1752.

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Alice Farnham deposed, that she lived at Vineyard's Gap, and that the old woman and her son were at her house, on a Saturday morning a little before New Christmas, 1752, and believed the daughter was with them, but not quite positive as to her.

George Squires, the Gipsy's son, deposed, that he, his mother, and sister Lucy, were at South Parrot on the 29th of December, 1752; they went to Litton the next day, and on the 31st to Abbotsbury; where they staid from the 1st of January to the 9th, on which day they went to Portsmouth, and from thence to Ridgway, and on the 11th to Dorchester; from whence they set out, and walked almost all night, and got to another village, and the next day they lay at Morton in a barn; and on the day after they lay at Coombe; after which he could not recollect where he lay, till he came to Basingstoke, where he was directed to lodgings at Old Basing; then they travelled to Bagshot, and lay there, and after that to Brentford, and from thence to the Seven Sisters, at the Two Brewers near Tottenham, and from thence to Mother Wells's at Enfield-wash; that his business was to tarry there till he could get a debt which was due to him in London, of 7 l. 15s. being afraid of going to his own lodgings, where he had goods of his own at Newington Butts, for fear of being arrested; that he had been there but a week and a day before his mother was taken up and committed.

On his cross-examination he gave a very lame account how he went from Newington to South Parrot, and named as many counties

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he went thro' as towns, and could not name a sign or an inn that he lay at.

There were four people from Litton deposed, they saw the old woman, her son and daughter there, at the time he had mentioned, and eleven from Abbotsbury, to that of their being there from the 1st of January, 1753, to the 9th of the same, and four to their seeing them at Portsmouth on the 9th and 10th, one at Fordington on the 11th, one at Chattel on the 12th, three at Martin on the 13th, five at Coombe on the 14th, one at Basingstoke on 18th, two at Brentford on the 20th, 21st, and 22d, two that they were near the Seven Sisters by Tottenham, on the 23d of January, 1753.

The next person called was Mr. Alderman Chitty, who deposed, from his minutes, taken when Elizabeth Canning was before him at Guildhall, in company with Mr. Lion, Mr. Nash, Mr. Wintlebury, and others; that Elizabeth Canning deposed before him, Jan. 31, 1753, that upon the last New-year's-day, as she was returning from her uncle's at Saltpeterbank, by the dead wall against Bedlam, in Moorfields, near ten at night, she was met by two men, who robbed her of half a guinea, 2s and a halfpenny; that they took her gown from off her back, and a straw or chip hat; that she struggled and made a noise, and that one stopped her mouth with something like a handkerchief, and swore, if she made any noise or resistance, they would kill her, and hit her a blow over the head and stunned her, and forced her along Bishopsgate-street, each holding her up under the arms; but did not remem-
he

ber any thing more that passed, and did not come to herself till about half an hour before she came to Enfield-wash, so called, as she had learned since, to Wells's house; that there were several persons in the room; it was said she must do as they did, and if so, she should have fine cloaths; she said she would not, but would go home, and refused compliance; and then a woman forced her up stairs into a room, and with a case knife, which she had in her hand, cut the lace of her stays and took them away, and told her, there was bread and water in the said room, and if she made any noise, she would come immediately and cut her throat; then went out, and locked the door, and that she never saw her or any of them since, till she made her escape; the bread in quantity of a quartern loaf, in four, five or six pieces, and three quarters of a gallon of water, or a little more, in a pitcher, as she supposed, on which, and a penny mince-pye she had in her pocket, she subsisted till she got away, which was on the 29th of January, about three or four in the afternoon, and then made the best of her way to London, to her mother's, at the bottom of Aldermanbury. She also said she had no stool, only made water, all the time; and that there were in that room an old stool or two, an old table, an old picture, over the chimney, two windows in the room, one fastened up with boards, and the other part ditto and glass; that she made a hole by removing a pain of glass, forced a part open, and got out upon a shed of boards or penthouse, and so slid down and jumped upon the side of a bank, on the back-

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side of the house, and so got into the road, and reached her mother's that night about ten o'clock; her mother being there, said, she got her some wine and water, but she could not swallow it, and then sent for the apothecary for advice. Her masters, Lion and Wintlebury, gave her a good character; that she apprehended it was the woman of the house that had done her this injury. He granted her a warrant for the apprehending Mother Wells, upon her swearing all this to be truth.

Gawn Nash deposed, that he was with Canning before alderman Chitty; that there she was asked what sort of a room it was that she was confined in? she said it was a little square darkish room, that there were boards nailed up at the window, and that through the cracks she could see the Hertford stage-coach, which used to carry her mistress. He likewise deposed, that she said there were an old broken stool or chair, an iron grate in the chimney, and a few old pictures hung over the chimney, and that she lay upon boards. He said he was much affected with this melancholy affair, being there during the whole examination. He likewise deposed, that, after the warrant was granted, he, Lion, her master, Aldridge and Hague, went down to Mother Wells's, in order to execute the warrant the next morning, which was Feb. 1. that as they were going down they were met by people, who told them they had seized them all; that they went on, and when they came to Wells's house they went up into several rooms; and after that he saw a man there, and asked if there were not other rooms in the house; that the

the man shewed him up into this room and went with him; that when he got into this room, he wondered where the room was that Canning had described she had been confined in; for, says he, this did not in any part answer the description she gave, for it was a very long room; that he then came down to his companions, and they all went into the room together; that then somebody said, this must be the room; that he then said, it answered not the description she had given of it, for he says, he observed in the room near half a load of hay; a nest of drawers about four feet by three high, and a tub in which was some pollard; three old saddles; two of which were women's saddles, and a parcel of hay made in form of a bed; that over the bed were a jack-line and pullies, and that there was a hole where the jack-line had gone through, which was stuffed with hay; that it was a thin clay and lath wall which separated that and the kitchen, and that if the hay had been removed, one might see very plain into and across the kitchen into the road; that there was a little chimney in the room, which seemed a little place for warming a glue-pot, and that he observed an old dusty casement, which seemed to have stood over the chimney for some years; that there was no grate, nor the appearance of any grate in the chimney; that he observed the window out of which she said she made her escape; that within nine or ten feet of that window there was a watering pond; that the other window of the room never had been boarded up, and that was large enough for him to get out at, and that it was so low, that he shook hands with his wife out of it;
that

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that the casement opened and shut extremely easy, and that there were trees grew so very near, that they were almost within his reach, and the room was very light, nor saw he any pitcher there; but after the people were all secured they went over the way, and were impatient that E. Canning was not come; that Adamson and another tossed up who should go and meet them. Adamson went, and returned, waving his hat, saying, we are all right, for Bet says there is a little hay in the room; he says, when Canning was brought in and set upon the dresser, the door of that room being open, she might have seen the stairs leading up into the room; being carried into the parlour where all the people were, she instantly fixed upon Mary Squires; but he says she could not see Mary Squires's face at that time; and when Squires's daughter told her mother, that she was fixed upon as the person who had robbed Canning, that she then got up, and came across the room to Canning, saying, Madam, do you say I robbed you? look at this face, and if you have seen it before, you must have remembered that God Almighty never made such another. When Canning told her when it was, she said, Lord Madam, I was 120 miles off at that time; he asked where she was? she said, she was at Abbotsbury in Dorsetshire, and that she could bring an hundred people to prove it, who had known her thirty or forty years; and that all the people declared she had been there but a very little while. He says, after this, Canning was carried into several rooms, and at last into the work-shop; when she came there, she said, she believed that to be
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the rooms. Upon being asked, what she remembered it by? she said, she remembered hay in the room, and that was the hay she lay upon, but there was more; she took up the jug, saying, it was what she had her water in. Upon her being asked about the saddle and the drawers, she said, she did not remember them (which he says were dusty, and seemed to have been there a great while;) being asked, why she did not get out at the east window? answered, she thought it was fast. He says, when they came down into the parlour, Natus's wife declared, that she and her husband had lain there for eleven weeks together, and that Mary Squires had been there but a very little time.

Upon this, being asked why he did not give this evidence upon the trial of Mary Squires, he said he was in court part of the trial, and that he was extremely uneasy in his own mind; that being butler of the Goldsmith's company, and having the charge of a great deal of plate, and thinking, at the same time, that Mary Squires would have been acquitted, he went away and did not come again. He says, he did not think, upon the observations he had made, there could have been sufficient proof to convict her, and when he heard she was convicted, he was extremely affected and uneasy.

Upon his cross-examination he said, that before he left the Old Bailey, Canning had gone through the whole of her evidence, or ever near it, and that she had sworn the robbery upon the Gipsy; but he thought within himself Canning had given false evidence, or however, it might

might be a mistake; that he is not certain, whether Judith Natus was in the room the whole time he was there, (meaning at Wells's) neither could he be certain that she had lain there ten or eleven weeks; but upon this, he says, he quite dropt his opinion of Canning, though a great friend of her's before.

John Hague, and *Edward Aldridge*, gave much the same account, they being the persons that went down with him.

Hague, upon his cross-examination, was asked, whether he was in the hay-loft the whole time Canning was there? he said he was, and *Adamson* and *Scarrot* were there at the same time, and tore down the window.

The next witness called was *Mr. White*, the *Marshall's* man, servant to my Lord-mayor, who gave an account of his going down to apprehend *Mother Wells*, for this robbery; he gave an account in what manner they were all secured, and likewise of his going into the hay-loft; that there he saw twelve or fifteen trusses of hay, which he thought had been there a long time; also a chest of drawers the barrel of a gun, and an old musket; that when he looked into the room, he was suspicious, and thought Canning was mistaken, because it did not agree with the description she had given; he said he went and looked at the north window, to see if he could find the mark of any body's getting out; that he observed the ground was clay, and there lay a heap of human dung as high as a quart pot, which did not appear to have been trod upon; and upon the whole, it did not appear to him that any body had got out of that window. He
says

says, that Adamson would have persuaded him that there were some marks in the wall, but he took a particular observation and could see none, neither could he observe any penthouse or shed. He said, when Canning came in, he proposed that she should go into the parlour, and fix upon Mary Squires, but could not be certain whether Canning saw her face at the time she fixed upon her; but that Mary Squires declared she never saw her before. And George Squires said, before Canning came, that they were at that very time in Dorsetshire; that the old woman, George and Lucy, persisted in it they were all at Abbotshury this first of January, and the other daughter said she was at her uncle's in the Borough that very Christmas.

The next witness called was Fortune Natus, who deposed, that he and his wife lay in that very room, during the time Canning says she was confined there; that when they came there, there was half a load of hay in it, which room he says was called the work-shop; he said his bed was made of hay and straw, and his bolster a sack of wool; there was no grate in the room; that there was a nest of drawers, and two or three side-saddles, a man's saddle, a large drawer with some pollard, and a tub with iron hoops; that there was a barrel or kilderkin, and an old gun and gun-barrel; and in the chimney an old lanthorn, a spit, and a saw with two handles; a jack and pullies; that the pullies came through a hole at his bed's head, and the hole was near three feet long; that there was an old sign there, the sign of the Crown, which used to hang at Mother Wells's door, and that stood
against

against the wall; that there were no pictures there, but an an old iron casement without glass or lead; that he lodged in this room twelve weeks excepting three days, and lay there every night excepting one, and that his wife lay there every night. He said, the sign that lay there was bought by one Ezra Whiffen, and that to his observation, nothing was taken out of the room while he was there; that he was there all the month of January, New Christmas, Old Christmas, and till they were all taken up.

Judith Natus, wife of *Fortune Natus*, gave much the same account as he had done; but when she was asked if there was a sign in the room; she said there was, and it was the sign of the Fountain, but afterwards said there were two signs, and the other was the sign of the Crown.

Mary Larney, the next witness, said she kept a chandler's shop at Enfield; that she knew *Fortune Natus* and his wife very well, and that they dealt with her for chandlery goods; that she had seen them go in and out very often at *Mother Wells's*, between Michaelmas and Christmas, 1752, and that they told her they lodged there; that the first time she saw *Mary Squires* there, was on Wednesday the 24th of January, and that upon the Thursday week after that Wednesday they were all taken up; that the first time she saw *Lucy Squires* was, that she sold her a small loaf of bread, and that she sold her bread, cheese, and small-beer, the very day that *Mary Squires* came to *Wells's* house, and that *Lucy Squires* wanted to borrow a pitcher of her; that she never saw any

Gipsies

Gipsies at Wells's house before; and that she would not put the money she had taken of the old woman into her pocket, till she had put it into a pail of water.

The next witness, Sarah Howel, said, she was daughter to Mrs. Wells, and that she was there every day during the month of January, but had no acquaintance with Mary Squires, her son, or daughter; that they came there on a Wednesday, and were taken up the Thursday following. The pitcher being produced, she swore it was the very same as was used in the family; that Fortune Natus and his wife were there at that time, and that she was there when they were all taken up; that Fortune Natus and his wife lay in the work-shop above two months; that there was a considerable quantity of hay in the room, which was to feed her mother's horse, and some pollard was there to feed the sow; that she could not take upon her to swear that she lay once in the house during the whole month of January, but was in it almost every day during that time. She said, that Virtue Hall went as often in the hay-loft as she did; that upon the 8th of Jan. Edward Allen, Giles Knight, and John Larney, lopped the trees which were over against the window, and that Virtue Hall and herself were at the window at that time, that she opened the casement herself at that time, and it opened very easily.

On her cross-examination, being asked, how she came to be at her mother's? she said she had been a servant, and was out of place, and that she had been at her mother's a year and a half; that when Canning went into the parlour

she pointed to Squires, and fixed upon her as the person that robbed her, but believes this was before she saw her face; upon which Mary Squires said, for God's sake do not swear my life away; look in my face, and be sure of what you say: she said that Mary Squires sat with a pipe in her mouth, almost double, and her head leaning on her arm; that Canning saw Wells before she saw Squires, and did not charge her; and that she was not at the trial of Squires, because she was not subpoena'd to attend.

The next witnesses called were John Larney, Giles Knight, and Edward Allen, who gave an account of their lopping the trees, January eight, that stood just against the window of the room in which Canning said she was confined, and talked to Sarah Howel and Virtue Hall the time they were looking out of the hay-loft.

John Carter, the next witness, deposed, he kept a public-house near Well's house, and saw them lopping the trees, and that they flung clods of dirt at Sarah Howel and Virtue Hall, who stood at the window of that room; and that Fortune Natus and his wife lodged at Wells's house; and that he saw Mary Squires there only the morning she was taken up, but he saw her son a week before that time.

Ezra Whiffen, the next witness, said, he kept the White Hart and Crown, at Enfield Wash; he deposed, that he bought that sign of the crown which was in the hay-loft at Mother Wells's house, and that afterwards, on the 18th of January, he bought the old hooks of Mother Wells, and went up into the hay-loft

lost to look for them, where he saw Judith Natus in bed; the irons were in a piece of wood; that his son carried it home upon his shoulder, knocked out the hooks, and brought it back again.

John Whiffen, son of the last witness, deposed, that he went with his father to Mother Wells's, but did not go into the work-shop; that he brought away the piece of wood the hooks were fixed in, took out the hooks, and brought the wood back again.

Eliz. Long, daughter to Mother Wells, deposed, that she lived but three houses distant from her; that she believed she was there every day in January; that her sister and Virtue Hall lived there, as did Fortune Natus and his wife at the same time; that she had occasion to go into the work-shop several times, and had often seen Judith Natus and her husband in that room, and in bed; she described the chimney to be at the feet of Fortune Natus's bed, and never remembered there was a grate there, but there was a great deal of hay put there for the use of her mother's horse, and the pollard and bran for the use of the sow and pigs; and that in the month of January she took some bran from thence for the same purpose, and is sure nobody lodged in that room all that time, except Fortune Natus and his wife. As to the pitcher, she said 'twas her mother's; and as to the bed-gown she never saw that before; she said, she saw Mary Squires at her mother's on the 24th of January, and that was the first time she saw her; that her son and two daughters came there then, and they were all taken up the first of February.

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John Howel deposed, he lived at Enfield Wash and was son to Mother Wells; that he was in the work-shop the 19th, 20th, and 21st of January; his mother having sent him there on these days to fetch pollard to feed the sow and pigs; and that Fortune Natus, and his wife, were the only people in that room; that he attended the trial of Squires, but the mob would not suffer him to come in, and that he was forced to go away.

Robert Byke deposed, that he was at Mother Wells's during New and Old Christmas, that he went there to keep company with Natus and his wife; that he never was in the hay-loft, but was there during the time that Natus and his wife lay there.

John Dymovell, a carpenter and surveyor, produced a model of the work-shop.

George Talmarsh, an Attorney, deposed, that he went to see Mother Wells in prison, and that she employed him to make out subpoenas, which he did for eight people.

Mrs. *Meale* was next called, who deposed she was a midwife, and brought E. Canning into the world; she said she went there the second or third of February; that she saw the girl to all appearance in a very weak condition, lying on a bed; that as soon as she came in, Canning's mother asked her if she had heard of her misfortune? saying her child came home as naked as ever she was born into the world; what! said she, without a shift on; no, said her mother, she had a shift on: upon which she turned herself about to Canning who lay on a bed, and asked her how it came about? she related it to her: upon this she says, she expressed a
great

great deal of concern, fearing she might have been debauched: that Canning could not tell what had happened to her, because she told her she was insensible in fits; upon this, she asked her mother whether she had her child's shift she came home in? her mother produced it; that she examined it, and asked if it had not been washed since her daughter came home? her mother answered no; she said she told her mother it was uncommonly clean to be worn so long; that she looked very narrowly upon it, and told her mother she had not been debauched; and her mother thanked God for it. She went a second time to see her, and on examining the shift again, she told her mother it could not have been worn above a week; and that then she saw three spots of excrement upon it; upon which her mother was extremely angry, and said, do you come here to set her friends against her? she was asked about the girl's character, and she gave her a very good one.

George Brogden, Clerk to Mr. Fielding, came to prove the information of Canning, which was read; and by that it appears, that she swore, that the pitcher of water was consumed upon the Friday before she made her escape on the Monday.

Mr. Deputy Mollineux deposed, that he happened to be with the late Lord-mayor, (after Mary Squires was convicted) when Canning and Virtue Hall were brought there to be examined; and that after my Lord-mayor had examined Virtue Hall, her answer was, that she had nothing to say at that time; he says, the pitcher and bed-gown were produced; that Canning took up the gown in order to take it

M 3 away,

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away, as it seemed to him; his Lordship said, no, you must not take it away; that then she said, it is my mother's; this, he says, surprized him a great deal; because on the trial of Squires she said, she took it out of the grate in the room where she said she was confined.

On his cross-examination he was asked whether he heard any thing of Virtue Hall's recanting? he said, he had heard she had recanted.

Mr. Reed deposed, he was present at the same time, and remembered it in the same particulars Mr. Mollineux did; that at the same time she was rolling up the gown, attempting to take it away, she said it was her mother's.

Here the Council for the Prosecution rested it.

For the Prisoner.

Edward Lions, of Aldermanbury deposed, that Elizabeth Canning lived a servant with him, till the time she was missing, Jan. 1, 1753; that he had known her 16 years, and gave her an extreme good character; that she went to see her uncle, (with leave) but he saw no more of her till the 31st of the same month; that he was with her before Mr. Alderman Chitty; that being somewhat deafish, he could not take upon him to say all that passed; that there was a warrant granted, and he and several others went down to Mother Wells's house, and the people of the house were secured; that when Canning was brought there and set upon the dresser, he cautioned her to be very careful, to charge nobody but who she was sure was guilty; she said that she would be very careful. That the first of the people taken up she saw was Mother Wells; on her seeing her, she said she had done nothing at all to her; but upon seeing Mary

Mary Squires, said, she was the woman who cut her stays off. Being asked, if he believed she saw her face before she challenged her? he said, yes, and she thought George Squires, after he had put on his great-coat, extremely like one of the men that robbed her in Moorfields; he also said, that Mr. Nash seemed at coming home to be very well satisfied at what was done, or at least had very little or no room to think the contrary; that Mr. Nash was once at his house afterwards, and at going away said, *Mr. Lion, I hope God Almighty will destroy the model by which he made that face, and never make another by it*, meaning the Gipsy; and that Mr. Nash sent him the letter which was shewn to Mr. Nash in court on his examination, and which he owned to be his hand-writing, dated Feb. 10, to this purport;

Mr. Lion,

I am informed by Mr. Aldridge, who has been at Enfield, that if a person was appointed there to receive contributions, some money would be raised in that place, for the unhappy poor girl. I wish you success, and am, your's,

Gawen Nash,

That Mr. Hague, as we were coming up, said he saw no grate in the chimney, or picture, over it; that he answered, they were moveable things, and might be taken away since; that they came home all very good friends; that he never found any doubt from Mr. Nash, Aldridge, and Hague, till after the trial of Squires; and that he verily believed when he saw Mr. Nash in Court on the trial of Mary Squires, that he

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he would then have given his evidence against her.

Thomas Colley, Canning's uncle, deposed the same he did on the trial of Squires.

Eliz. Canning, the mother, deposed, that her daughter was nineteen years old, and to the same purport as on the former trial, with this addition, that her daughter said she had heard the name Wills, or Wells, mentioned in the house where she had been confined before any body mentioned such words to her. On her Cross-examination she said, she had been to a conjurer in the Old Bailey, to enquire where her daughter was, &c. that he took her money and bid her go home, and she would come again.

Mary Northan deposed, that she carried all the advertisements to the printer which were in the Dailey Advertiser, by the directions of Mrs. Canning.

James Lord, apprentice to Mrs. Canning, deposed to E. Canning's being missed, the great concern his mistress was in on that account, and that when she returned his mistress was at prayers for her daughter's return; that when she came to the door, he knew her not at first, nor till she spoke, she was in such a deplorable condition; that his mistress fell in a fit upon it; that she had a bit of a handkerchief over her head, and an old jacket on, and that she was a very sober girl.

Robert Scarrat deposed, that he, hearing Canning was returned, the night she came home, went to her mother's house; that he heard her say she had been on the Hertfordshire road, about
eight

eight or ten miles from London; that he said he would lay a guinea to a farthing she had been at the house of Mother Wells, and that she said she heard the name of Wills or Wells mentioned while she was in confinement, (which was in a longish, darkish room) and saw a coachman whom she knew go by, through a crack of the boards at the window.

Being asked, if he had any knowledge of Eliz. Canning before? said, he never saw her, to his knowledge, before that night; he said, he had been at Mother Wells's house sometimes, when he lived with Mr. Snee at Edmonton.

Mary Myers deposed, that she had known the mother and daughter for many years; that the daughter is a very sober girl, and always behaves as well as any in England; that when she returned her mother sent the apprentice for her, and she came; she found her in a very bad condition, her face and arms being black, which she thought might be occasioned by the cold weather; that she kneeled down to talk to her, she answered so low, and she told her she was taken away by two men, &c. and was confined in a room where there was some hay, and a pitcher with about a gallon of water, a fire-place, about the value of a quartern loaf, and when she got out, she pulled down two boards from a window, tore her ear in getting out, and dropped down, and that she saw her ear very bloody, which appeared fresh, and had dropped on her shoulder.

John Wintlebury deposed, he had known her fourteen or fifteen years, that she lived with him about eighteen months, and behaved exceeding well;

well; that upon hearing she was come home, he went that night; that she said to him, O Lord! Sir, you don't know what I have gone through; that she was in a very weak and bad condition; she said, she had been confined on the Hertfordshire road, and had heard the name Wills or Wells mentioned in the house; that she described a broken pitcher which held about a gallon of water in the room, and such a one he found when he went into the room, and that Canning saw part of Squires's face before she fixed upon her, as he believes.

Mary Woodward deposed, she was sent for by Mrs. Canning the night her daughter returned, which was in a very deplorable condition; the first words she said to her were, Mrs. Woodward, I am almost starved to death; and said she had been confined in a room on the Hertfordshire road; she said, when she was brought into the house three women took hold of her, and the old woman asked her if she would go their way? she answered, no; upon which she went to a dresser, took out a knife, and ripped the lacing of her stays and then took hold of her petticoat, looked at it, struck her a slap on the face, and said, *D---n you, you Bitch, I will give it to you*, and immediately turned her up into that place, and swore she would cut her throat if she made any noise; and she said the old woman was a tall, black, swarthy woman.

Joseph Addison deposed, he had known E. Canning ever since she was big enough to walk about; that the first time he saw her after she came home, was the day they went down to
Enfield

Enfield Wash; that none of them had horses but Mr. Wintlebury and he; that he was there before the coach, and after the people were taken up, he rode back to tell them in the coach not to stop at a place where they had agreed to call; that he did not tell Canning at that time there was hay in the room, but after he had spoke to the coachman to make haste, he then asked Canning what sort of a place it was she was confined in? she said an odd, or wild sort of a place, that there was some hay, and somewhat else, which he could not remember; and he then rode on. *The same as Mr. Lion had said before.*

Mr. Backler, an Apothecary in Aldermanbury, deposed, he was applied to by the girl's mother, and went to her Jan. 30, found her extremely low, and could scarce hear her speak, with cold clammy sweats in her bed; complained of being very faint and sick, and of pains in her bowels, and of having been costive the whole time of her confinement; he ordered her a purging medicine, but her stomach was too weak, and could not bear it; he then ordered her a clyster that evening, and on the third of February another; the latter had some little effect; he ordered her another on the 5th, that had no effect at all; and she continuing very bad, and in great danger, Dr. Eaton was sent for on the 6th; he prescribed for her fourteen days of diuretics, and gentle cathartic medicines; that she was tolerably well in about a month. When she was at the worst her face was remarkable, her colour quite gone, her arms of a livid colour spotted; and when he heard

heard she was gone to Enfield Wash, when the people were taken up, he thought her not able to perform the journey, and that it was very improper for her to undertake it, she being very much emaciated and wasted.

Dr. *Eaton* deposed, that he saw her on the 6th of February at her mother's, in a very weak condition, and was very apprehensive she would die; she complained of pain in her bowels, and could hardly keep any thing in her stomach; she took a little chicken broth, and appeared in great distress. Being asked, if he saw any signs of her being an impostor? he answered, he did not; he found she was costive to a very high degree, and appeared to him to be in very great danger for seven or eight days, but on the 4th of March she was well enough to go abroad in the Neighbourhood. Being asked, if there were any symptoms of her being lately under a salivation? He answered, nothing like it, nothing like it, I will assure you; but that she appeared as one almost starved.

On his Cross-examination, he could not undertake to say, her being in that low condition was by loss of appetite, occasioned by a fever or other distemper, or whether it was from being confined from victuals. She told him she had been kept as she before related on bread and water, and he believed her; and said, it was plain she had not eat much by the symptoms he observed. Being asked by her council, if it was possible for a person to subsist 28 days on what she had mentioned? he answered, no doubt there is a possibility of it.

Robert Beals, the turnpike man at Stamford-hill, deposed, that at the beginning of January

he was standing by the gate near eleven at night, he heard a sobbing and crying on the road; it came from Newington way, and drew nearer and nearer, at last he perceived it was two men and a young woman seemingly by her crying; one said, come along you bitch; you are drunk; the other said, how drunk the bitch is! and made a sort of laugh, but she seemed unwilling to go. One of them got over the stile, and the other laid hold of one of her legs or both, and lifted them over, so that she came down upright; she hung back and fell on her breech on the step of the stile, crying bitterly, as though she could go no farther; that he went nearer them, expecting she would speak to him; but there being two men, and he alone, he did not think it safe to interpose; that one pulled her, and the other jostled her along, till they were out of sight, going towards Enfield.

Thomas Bennet deposed, that he, living at Enfield, near the ten mile stone, on the 29th of January, 1753, between four and five in the afternoon, between Mother Wells's and his own house, saw a miserable poor wretch coming along, without either gown, stays, cap, hat, or apron on, only a dirty thing, like half a handkerchief, over her head, and a piece of something on that reached down just below her waist, with her hands lying together before her; she asked him the way to London.

David Dyer deposed, he lived at Enfield Wath; that about a quarter of a mile from Mother Wells's house, towards London, at four in the afternoon, three evenings before Mother

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Wells and her family were taken up, he saw a poor distressed creature pass by him out of the common field; he said to her, sweetheart do you want a husband? she made no answer; she had a thing tied on her head like a white handkerchief, walking with her hands before her, very faintly; she was a shortish woman, with a shortish sort of a thing on; that he looked at her face as she passed, and said, upon looking on E. Canning, he takes her to be the same person.

On his cross-examination he said, she had not an unlikely face, whitely, and not black, and her hands looked as other people's did.

Mary Cobb deposed, she lived at Edmonton; that she met a person in Duck's Fields, in a poor distressed condition, between the six and seven mile-stones, on the 29th of January, just at the setting in of day-light. She had a handkerchief pinned over her head, which hid part of her face; she had a black petticoat and an old bed-gown; she had a young face, and walked creepingly along. Upon her being bid to look at E. Canning, and see if she knew her; she said she had never seen her since that time, but firmly believed it was her by the tip of her nose, which she said, bears some resemblance to the person she met.

William Howard deposed, he lived at Enfield Wash, right over against Mother Wells's, has a small fortune of his own, and has a little employment under the government, on which he lives. He said Edward Aldridge, the silver-smith, and a cousin of his of the same name, his neighbour, came to him about two or three days after

Squires

Squires and Wells were taken up, and brought a printed case of Canning, to recommend a contribution on her behalf; he looked upon it that he came to him on that very purpose, and had then no apprehension of any dissatisfaction. About six or seven days after he came again, then he asked what he thought of it? Aldridge made answer, there was one thing he was not quite clear in, and that was the description she had given of the room; but he said he thought she had been there, and had been very ill used.

Mrs. *Howard* confirmed the testimony of her husband, and added, that the first time she can recollect that she saw Mary Squires, her son and two daughters, she believes to be on the Sunday se'nnight before they were taken up, which was the 21st of January, that they were standing at Wells's door.

William Headland deposed, he was at his father's at Enfield, before January was twelvemonth; and saw Wells and Squires taken up; that he found a piece of window lead all bloody on the ground near the window which the girl said she got out at, after they were taken up; that he carried it to his mother, who laid it up, but it is since lost, and that he saw Mary Squires on Tuesday the 9th of January, under Lomas Deane's, at the Bell at Enfield, brick wall, telling a young man his fortune; that he saw her on the 12th, at Wells's house, and her two daughters were with her, one of them was buckling up her pumps which she had on.

On his cross-examination, he seemed very ignorant as to his reckoning of time, and could not

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tell which month Christmas was in, but knew it was in winter.

Elizabeth Headland, mother to the last witness, deposed, her son brought her a piece of lead that was bloody, after Squires was taken up; she laid it in a table drawer, and it is since lost; he said he found it a little way from Mrs. Wells's window, where the girl said she got out.

Samuel Story deposed, he lives at Waltham Abbey, in Essex, on his own fortune (looks at Mary Squires) and says he saw her several times in White Webb's Lane; that the last time he saw her was on the 28th of December, 1757, sitting within the door of Mrs. Wells's house, this was on a fine frosty morning; that he took particular notice of her, and knew her to be the same person he had seen in White-Webb's-lane, where he used to ride two or three times a week; that he remembered this 23d of December, by its being a fine frosty morning when he went out; the weather changing, and its raining as he went home, he got cold, and the rheumatism, and St. Anthony's fire followed; that he was not out of his house for near two months after that, and is certain both as to the old woman and the day.

William Smith, of Enfield, deposed, that on the 14th of December, 1752, Mary Squires (whom he saw in court) lay in his cow-house, and for two nights after; that there were two men and two women with her; and she had been about the country near him some time.

Lomworth Dane deposed, that he lived at Enfield Wash, (looks at Mary Squires) and says, he is sure he saw her last Old Christmas Day
was

was twelvemonth. He was filling a barrow from a heap of gravel at his door, and stood resting himself, and she went past him at the same time.

Samuel Arnot deposed, he lived at White Webb's-lane, on Enfield-chace; that on Monday morning, the 9th or 10th of December, 1752, which he says was before New Christmas, Mary Squires enquired of him for a little brown horse she had lost; that she told him her name was Squires; that he saw her the Sunday following; that a man, two women and two children were with her; that the children seemed to be about four or five years old; that he never saw her afterwards till he saw her in Newgate, and believes she is the very same person that lay at Farmer Smith's

Eliz. Arnot, wife to the last witness, deposed, that she saw Mary Squires about a week before New Christmas, which was the first time she had seen her; that afterwards she saw her in Farmer Smith's Cow-house; that she came out and asked her about a little horse; that there were several more along with her, that afterwards she saw her in Newgate, after the trial, and believes she is the same person.

Sarah Starr deposed, that her husband is a farmer; that she knew Mary Squires, who came to her house, next door to Mrs. Wells's on the 18th or 19th of January was twelvemonth, but never saw her before; that first of all she offered to mend china or delft ware for her; then she came and desired to buy pickled pork and brown bread; that she gave her some chitterlins that lay on the table, in order to get rid of her; believes she saw her in the whole about three quarters of an hour;

that she would have told hers, and the maid's fortune, but they were afraid of her; she says she was terribly scared, having never seen such a person before.

Daniel Vass deposed, that he lived at Turkey-street, in Enfield; that on Old Christmas-day, the 5th of January, he saw her go by his door, as he was in his own yard; that he saw nobody with her, except she had somebody under her cloak; that he saw her afterwards in Newgate, and is sure she is the same person, though not in the same cloaths; that when he saw her first, she had an old white beaver hat, a brick-coloured gown, and a red cloak; the reason he gave for its being that day was, that his master did not chuse he should work on that day, because it was Old Christmas; that he never saw her before or since; that she did not stop at his house above a minute, and that he knew her again in Newgate.

Jane Dadwell, of Enfield Wash, deposed, that she kept a chandlers-shop there; that the first time she saw her was on the 28th of December, in New Christmas week; that she came to her shop, and that Mary Squires, the daughter, had been there several times before; that the reason of her remembering the day was, she had dressed meat to give to her customers; that after she was gone, some of the neighbours came in, and asked who she was? that she never saw her afterwards, till she saw her in Newgate; that there she owned to her she had been at her house; that Mary Squires did not tell her where she lived, and that she had then no company with her.

Tobias Kelley, of Enfield, deposed, that he knew Mary Squires; that he remembered seeing her

her something better three weeks in January, that he did not know the day of the month, nor was he sure he ever saw her before; that he thinks the time rather before Old Christmas-day; that it was near a month before she was taken up; that she passed by him, and he never saw her before nor afterwards; and after that says he saw her three or four times; and that she asked him for a pipe of tobacco, and would have told him his fortune, that she did tell one John Rowley his fortune, and told him he had an enemy, and asked for 3d. he gave her three halfpence; that he saw nobody with her at any time.

John Frame, of Enfield, deposed, that he saw her there on the 11th or 12th of January was twelvemonth; that he was out in the gardens, and she spoke to him thro' the palisadoes; that he only gave her a halfpenny; and that she told him what was good fortune; that he never saw her before, but several times since, and in Newgate; that when he saw her at Enfield, she was by herself, and had a reddish gown on, and a light coloured cloak.

Joseph Gold, of Enfield, labourer, deposed, that he knew Mary Squires, and saw her upon the 8th or 9th of January, about a quarter of a mile from Wells's house; that he took particular notice of her, hearing Mother Wells had some Gipsies in her house; that he saw her eight or nine days before she was taken up; and before he saw her Virtue Hall had told him there were Gipsies in Mother Wells's house; that he cannot tell what her dress was; and that she had nobody with her.

Mary

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Mary Gold, wife of the last witness, deposed, that she saw her on the 11th or 12th of January, and asked her if she had any china to mend, and told her she should not live long, which very much surprized her; that she saw her afterwards in Newgate, and is the same person; that she never saw her before that time; that she had the same dress, a yellowish sort of gown, as she had on in Newgate.

Humphry Holding, a gardener, deposed, that he knew *Mary Squires*; that the first time he saw her was on the 18th of January, 1753; that she asked him if the family was at home? that he had no more conversation with her, but on the Thursday afterwards he saw her, as he was pruning vines for Dr. Harrington; that she asked if there was any china to mend; that he saw her go to the door, and heard somebody say, no; that the next time he saw her was in the cart, going to Justice Tyshmaker's; she had on a darkish yellow gown, and a red cloak; that she did not appear to him to be a very able strong woman; and that he has seen her since in Newgate.

Sarah Vass, of Enfield, deposed, that she saw *Squires* there, and that she wanted to tell her her fortune, which she refused; that she came into her house the day before she was taken up, as she was drinking tea; that she asked for a pipe of tobacco, and she gave her one; that then she asked her for a dish of tea, and she gave her two; that then she offered to tell her her fortune, and that she had conversation with her about a quarter of an hour; after that she saw her in Newgate, and she is the same.

Anne

Anne Johnson, of Enfield, where she said she had lived 27 years, deposed, that she got her living by spinning, and was positive she saw *Mary Squires*, at her door the 18th of January. The reason she gave for knowing the time was, that she spun for one *Mr. Smitheram*, and carried home her work two days before the 18th of January; that on the said day *Mary Squires* asked her for some china, or delft ware to mend, and also for some victuals, but she gave her none; that she was then alone; that she saw her three times within the space of ten or eleven days; that she went to see her in Newgate after the trial, and there knew her to be the same person; that she had two cloaks on when she saw her, and a gown of a very particular colour.

Thomas Smitheram was then called for the prosecution. He deposed, that the work *Anne Johnson* swore she brought home on the 16th, was not brought home till the 23d. which he had set down, and produced the book wherein it was entered; this was a book in which he set down the going out of the wool, and the day it was brought home spun.

Grace Kirby deposed, that a little after Christmas was twelvemonth, *Squires* came to her door. She said she remembered it, because she had been but a very little time in her house.

Wife, the wife of *John Bassett*, deposed, that she lived at Enfield, and was a mantua-maker; that she knew *Mary Squires* very well, and saw her either the 21st or 22d of December, that she saw her on a Monday, and gave her a penny to tell her fortune; that she gave her a dish of tea, and never saw her afterwards till in New-

gate; that she there told her the time she had seen her, and that Squires said, *you might see me, but that was not the right time.*

John Pratt, of Chertson, near Enfield, deposed, that the first time he saw Squires was at farmer Smith's cow-house, and that she asked him leave to go in there; that she went in, and having continued there three days, left it on a Sunday, but he could not tell the day of the month; that there were in the company, men, women, and children; that Mary Squires complained there of having lost her horse, and said there was a clog upon him with her name on it; that she afterwards charged him with stealing that horse; says he is sure she is the same woman that lodged in his master's cow-house, for that he saw her in Newgate.

Margaret Richardson, of Enfield Wash, deposed, that she lived there last January was twelvemonth, that she saw Mary Squires in a shop at Enfield, and looking at her said, I am sure she is the very same person, I saw her there about a quarter of an hour; that she saw her also on Old Christmas-day, and that there was a dog belonging to the family which was fierce, and would have tore Squires, if her husband had not come by and prevented it.

Elizabeth Sherrard deposed, she lived at Ponderfend; that she saw Mary Squires on Wednesday, Thursday, Friday, and Saturday before Christmas; that Mrs. Wells told her she had got a new lodger, and asked her to come to her house; but she could not tell whether it was New Christmas, or what day of the week, or whether it was Winter or Summer, but yet she went to church on Christmas-day. Upon farther

farther recollection, she said it was on a Monday or Tuesday. She said Mrs. Wells was very civil to her, and gave her a penny for her Christmas-box.

John Ward deposed, that he knew Wells some years before; that having seen her name in the news papers before the trial of Mary Squires, he went to see her in Bridewell; that after some conversation, he said to her, how could you keep the girl a fortnight? and she answered, she was there 28 days; and when he asked in what room? she said, you know the room well enough.

Nathaniel Gramphorn deposed, that he lived at Waltham Cross seven years ago, and knew Judith Natus; that on the 21st of April last she came to his house, when he asked her, if she knew Canning was at Mother Wells's, how she could go against her? she said, indeed, *Mr. Gramphorn, I cannot say but she really was there when we were there.*

Daniel Stevens deposed, that he knew Mrs. Wells, and saw Squires in New Prison; that there she owned she had been at Mother Wells's house, but never cut off the stays or robbed the girl; and that Canning was at Well's about a fortnight, and that she was there likewise.

Joseph Haines, Daniel Chapman, and Thomas Green, who all lived at Ware, and knew Fortune Natus and his wife, said they had a bad character, and that neither of them was to be believed upon oath.

William Metcalf, a Glazier, Painter, and Plumber, at Enfield, deposed, that he carried Whiffen's sign home the 8th of January Old-style;

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style; that Whiffen told him he had bespoke some sign-irons of a blacksmith; and that he saw him about ten days or a fortnight after, and they were not made; that he then directed him to Mother Wells's for the irons which did formerly belong to the sign. He produced his book to prove what he had done to the sign.

Mr. Marshal deposed, that he had known E. Canning ever since she could go alone, having lived so long in the neighbourhood, and said she always bore a very good character.

The Council for the prosecution said, he was to tell the Jury from the prosecutor, that he had nothing against her exclusive of that fact. Guilty. Transportation.

Accordingly she was transported (at the request of her friends) to New England, and carried with her (it is said) some hundred pounds, which the warm espousers of her cause had collected for her, in compassion to her hardships and sufferings.

The Trial of Captain CLARK, for the Murder of Captain INNES, in a Duel, April, 1750.

[This and the next Trial being omitted in their proper places, are inserted here.]

EDWARD CLARK, was indicted for the murder of Thomas Innes, March 12.

William Newman, servant to Capt. Innes. On the 11th of March, about eight o'clock in the morning,

morning, hearing a knocking at the door, I went down, and met Capt. Clark at the dining-room door; who asked me if Capt. Innes was up? I said no, but I would go and call him; and Capt. Clark staid in the dining-room the while. Capt. Innes got up, and asked me, if it was Captain Clark? I said, yes. Being come into the dining-room, he ordered me to leave them; I did so, and went into the next room, and heard Capt. Clark say to Capt. Innes, *Sir, you have used me very ill.* There was some other discourse, which I could not distinctly hear; after that I heard somebody speak (which I took to be Capt. Clark's voice) insisting to fight with sword and pistol; after which some words passed, and Capt. Clark came out of the room; he came down part of the stairs, then went back again to Capt. Innes, and desired him to call on him in the morning; then he came down and went away directly. After he was gone, I went up to the people of the house, and said to them, that Capt. Clark had been there, and had challenged my master. I saw Capt. Clark no more till between six and seven o'clock the next morning in Hyde-Park, and Capt. Innes with him, going down from Grosvenor's-gate. At my first seeing him, I believe I was about 500 yards from him, being just got into the Park; they were going towards the grove, but turned more to the right hand, not far from the place where they fought; Capt. Clark's servant walked behind him at the distance of about twenty or thirty yards. When they came to the place where the duel was fought, I was within about twenty yards of them. Capt. Clark stood with his pistol in his hand, and Capt. Innes was putting himself in a posture to be ready; they were about

five or six yards asunder; at the report, Capt. Innes was lifting up his hand; when I first saw the pistol poised in Capt. Clark's hand, they were both stock still; as Capt. Innes was reaching out his towards Capt. Clark, the latter fired his pistol. Capt. Innes turned round at the explosion of the pistol, and dropt on his left knee; but did not fire his pistols at all. Capt. Clark's servant took the pistols up, and gave them to me, who attended my master to his death; and he bade me tell every body who should enquire about it, that Capt. Clark behaved very well, but did not think he behaved very honourably, for he took a full aim at him, and said, he fired before he was ready. He died about eleven that night. He said, he forgave Capt. Clark, and hoped God would forgive him.

Edward Wellon, the master of the house where Capt. Innes lodged, confirmed the first part of the last witness's evidence, in relation to Capt. Clark's calling up, and challenging Capt. Innes; adding, that Newman said, his master should go without shoes, for he would take care of them. At night, Newman told me, his master had ordered him to black his shoes, and set them by him. In the morning, I heard the Captain walking in his room, and heard him go down and the door clap to. Stepping to the window, I saw him go up Castle-street; presently afterwards, Newman ran out towards Leicester-Fields. Then I made haste to the back of Monague-house; but not finding them, hastened home again, and before I had hung up my hat, Newman came running home with his master's sword; it was then about nine in the morning.

The

The Captain was brought home in a chair wounded; a surgeon dressed him. I held the Captain's hands, I believe, six hours; they were cold, seeming almost dead. About eight at night, he asked my wife and me how we did, and bid us take notice of what he said, and declare it when asked by any; that *as he was a dying man, he forgave Capt. Clark, with all his heart, and all the world*; adding, *he behaved like a gentleman, but he fired too soon*. She asked him, how he could fight such a gentleman as Capt. Clark? he said, *God's will must be done; though he strove to take away my life at the Court-martial, it is done now*. The reason she had for asking that question, was, that she had heard from Capt. Innes, and others, that Capt. Clark had sworn very hard at the Court martial against him, and also against several other captains.

Benjamin Wood, Surgeon. I extracted the ball. It entered close to the false ribs, on the right side, about a hand's breadth from the pit of the stomach, and it had broke one of the false ribs on the left side, and there it was taken out. This wound was, no doubt, the occasion of his death. The captain told me he got the wound in a duel with Capt. Clark in Hyde-park; saying, he believed they stood about four yards from each other. Said I, that was murder to stand so close. He replied, he was obliged to do it, because his pistols were small. About three or four o'clock in the afternoon, he said, Capt. Clark I have no fault to find with; he behaved honourably enough.

Witnesses were then called to shew the provocations that were given to produce this implacable

cable enmity between the two captains, so as to lay Capt. Clark under a kind of necessity of vindicating his character from the foul aspersions that Capt. Innes had cast upon it. A good deal of evidence was given to this purpose, but we shall mention such part of it only as seemed the most aggravating.

Jeremiah Cook. I was intimately acquainted with Capt. Innes, and had heard him say, that Capt. Clark was a very great rascal; and at Admiral Knowles's trial, he would sweat Capt. Clark if he was examined; and if he could not sweat him there, he would sweat him another way: he had regard to a party affair, that is, each party of captains, for and against the Admiral.

Capt. Gambion. After the trials at Deptford were over, in a conversation I had with Capt. Innes, I told him he had said so severe a thing of Capt. Clark, which he could never forget, and that he must be obliged to resent it. His answer was this: his sensations are so callous, that I have long endeavoured to affront him, but could not; adding, I look upon him to be a scoundrel and a coward; saying, I meant every word that I said.

Witnesses were likewise called to declare some circumstances that attended the duel, and what followed upon it.

George Cook, a private soldier. On the 12th of March, about seven o'clock in the morning, I saw two gentlemen in Hyde-park together; then I saw them facing one another at a little distance, with their pistols in their hands; heard and saw one of them go off, which was Capt. Clark's, who then turned to go away; the other also turned, and
set

set himself against a bank, this was Capt. Innes. I made up to him, while my comrade made after Capt. Clark, and having secured him, came back to Capt. Innes, and asked him what he must do with the other gentleman he had secured in the guard-room? Capt. Innes's answer was, *I desire you to release him, for what he has done was of my own seeking; he has behaved like a man of honour.*

Knall confirmed his comrade Cook's evidence; and that he and another of his comrades, running after Capt. Clark, when they came within three yards of him, he turned about, and said, *gentlemen, what have you to do with me? what I have done I was obliged to do, and am very sorry for it.* Having secured him I went up to Capt. Innes, where were Capt. Clark's servant and a soldier, whom he leaned upon to go out of the park, with others. When he was put into the chair, I asked him what I must do with the other gentleman whom I had a prisoner in the guard-room? the captain answered, *Set him at liberty, for what he has done was of my own seeking.* These words he said twice over, slowly and distinctly.

William Clay, servant to Capt. Clark. When Capt. Innes fell, I went up; he lay on the side of a bank, and said to me, my lad, take up my pistols and put them in your pocket; I did so, helped him up, and walked with him two or three steps before any body came nigh; then Capt. Innes's servant and a soldier came up. The Captain said to his servant, Will, I am not killed. As he was coming to take hold of him, the Captain said, I cannot walk. Said I to the Captain's servant, let's put one hand behind him, and so

carry him. As they were carrying him, he said, I cannot ride so; then they set him down. Then another man took hold of one arm, and I of the other, for about 200 yards.

John Frazier. I am a Gunsmith. Captain Clark bought a pair of pistols, Sept. 5th, which were of the usual length of pistols.

[The pistols were produced in Court; they were screw-barrels, seven inches long. Capt. Innes's were likewise produced, they were three inches and a half on the out-side of the barrel. They were common pocket pistols; Capt. Clark's were horse pistols.]

Several persons of distinction spoke to the prisoner's character, viz. Lord Southwell, the Admirals Martin, Byng, and Fox, Lord Montague Bertie, Capt. West, Capt. Wickham, Capt. Lee, Capt. Dent, Sir John Cross, Capt. Graves, Rev. Dr. Hales, Rev. Dr. Horton, Mr. Stanley, Capt. Forest, and Col. Durand, all of whom had known him for many years, some more, some less, and all esteemed him as a good-natured, worthy, gentleman-like man.

The Jury found him guilty; and when they brought in their verdict, the foreman acquainted the Court, that they could not by law do otherwise than find him Guilty, but the provocation given by the deceased to the prisoner was so extraordinary, that they begged the Court would please to recommend him to his Majesty's mercy.

The prisoner being brought into Court to receive judgment by himself, and before the rest of the Convicts, addressed himself to the Court as follows:

‘ My Lords,

‘ I am very sensible of the great indulgence
‘ of your Lordships, in this early passing the
‘ sentence

‘ sentence of the law upon me, though it is
 ‘ the last of all human favours I could have
 ‘ hoped to have received from your Lordship’s
 ‘ hands.

‘ As the Jury, my Lords, were pleased to
 ‘ shew their compassion to the failings of hu-
 ‘ man nature, in recommending me to the Royal
 ‘ Mercy, I hope there have appeared some cir-
 ‘ cumstances in my case, which may render
 ‘ me not altogether unworthy the recommen-
 ‘ dation of your Lordships also.

‘ Far, my Lords, shall it be from me to en-
 ‘ deavour, by the rules of law, to justify the
 ‘ crime I have been convicted of, nor can I
 ‘ express the affliction I am under for that
 ‘ unfortunate gentleman, whose death has oc-
 ‘ casioned this trouble to your Lordships, and
 ‘ misfortune to myself; but if, through the
 ‘ mediation of your Lordships, the Royal
 ‘ Mercy should be extended to me, the re-
 ‘ mainder of my life shall be employed in pre-
 ‘ venting other gentlemen from falling into
 ‘ these unhappy circumstances I now appear
 ‘ in.’

Capt. Clark was respited by the Lords Jus-
 tices, till their pleasure should be further made
 known.

*The Trial of WILLIAM MONTGOMERY,
 on the Insolvent Act, October, 1752.*

WILLIAM MONTGOMERY was in-
 dicted, for that he, at the General
 Session at Guildhall, did, on the 27th of Sep-
 tember,

tember, swear that he was beyond the Seas on the 1st of January 1747, to wit, at Rotterdam, with intent to cheat and defraud his creditors.

Mr. Ford produced the records for September Sessions, 48, by which it appeared, that he came to Guildhall, and took his corporal oath, that he was at Rotterdam, beyond the Seas, on the 1st of January, 1747; and also delivered in a list of all his creditors, and a schedule subscribed with his name, upon which he received the benefit of the Insolvent Act, as being a fugitive.

John Ward. The prisoner lived at the sign of the Highlander, below Pelican Stairs, at the bottom of Fox's Lane, Shadwell. I had a summons from the prisoner, and attended the Lord Mayor at Guildhall, when he was brought there; and his Lordship asked him, if he was the same person that had sworn he was beyond Seas Jan. 1, 1747? he said he was, and had taken the benefit of the Act of Parliament.

Mr. Ford then produced a warrant, signed by Sir Robert Ladbroke, Knt. July 22, 1748, the purport of which was, to give notice to all the creditors of William Montgomery, that he was surrendered to the Warden of the Fleet as a fugitive, had given in a schedule of his effects, and intended to take the benefit of the Insolvent Act; upon which, the said Warden was required to bring the prisoner to Guildhall, Sep. 5.

William Smith deposed, that he heard Montgomery own before my Lord Mayor, that he was the very person that had sworn that he

was

was at Rotterdam, to take the benefit of the act, and insisted upon it. The witness added, that he was with Mr. Weymore at the prisoner's house, the last day of December, 47, and that he was at home with them, in a little back room, till between eleven and twelve o'clock.

Mr. *Weymore* deposed to the same effect, and that they drank three eighteen-penny bowls of punch in the prisoner's back-room, who made it himself, and drank with them, the 31st of December, 1747; that the witness left him about eleven o'clock at night, and was sure the prisoner was then in the house.

Daniel Goodwin deposed, that he was one of the company in the back-room, the same night, at the Highlander, and followed Montgomery into the room with a bowl of punch in his hand.

John Ward deposed, that he was in that company the same night, at the Highlander, and drank the old Year out, and the new in, and Mr. Montgomery was there.

Isabella Hannah, servant to Mr. Montgomery, deposed, that she lived with him in December, 1747, and that he was at home on New-year's-day, and Christmas-day.

Mrs. *Murray* deposed, that she saw him at home the latter end of December, and the beginning of January.

The prisoner, in his defence, called Peter Peterson, who deposed, that he saw the prisoner in Rotterdam in the year 47, some day in the latter end of December, and in January following, O. S. but was contradicted by *Isabella Hannah*, who swore, that he, this witness,

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witness, dined at Mr. Montgomery's on Christmas-day, 47, along with Montgomery.

Several persons gave the prisoner the character of a very honest man.

The Jury having considered the Verdict, brought in the prisoner guilty of the Indictment. *Death.*

William Montgomery, about 24 years of age, born at Elphinstone in Scotland, and bred up in the established religion of the Kirk of Scotland, was kept to school till he was about 12 or 13 years old, where he learned to read, which he so little practised, that he had entirely forgot what he learnt, which he much regretted, as he now stood so much in need of it for reading good books and prayers. He was naturally of a dull, sluggish appearance, very ignorant and indocile, but willing to hear advice and instruction.

When he was about 13 years of age, his parents being dead, he took to the Sea, and kept to it till within these nine years past, when, being married, he only took a trip now and then to Holland, and set up a public-house, that his wife might have something to do in his absence. He then lived in Bishopsgate Street, and from thence removed to the Highlander in Fox's Lane, Shadwell; here his wife dying, he found himself in bad circumstances, which made him leave off business.

Afterwards he married again, and took a house in Nightingale Lane, and let out lodgings to sailors, or any others he could pick up, and lived there for some time; and having got some money, he set up in the sloop-selling way, which he left to his wife's management, while himself took

took now and then a trip to Holland, to get something in that way; then removed into St. George's Parish, where he was at the time of his being apprehended.

After conviction he attended the Chapel, but protested himself innocent, and that his life was maliciously sworn away, and, if he was to die immediately, he would say the same, and in this he persisted till the Warrant for Execution was brought to Newgate, which was Wednesday, still positively denying the truth of the whole that the evidence had given against him in Court; even when he was told he was ordered for execution on Monday, he only said, *God's Will be done*; and after asserting his innocence, said, he should die very willingly.

As death drew nearer he was more earnestly pressed to discharge his conscience with sincerity. For a while he stood confounded, but persisted to affirm on Friday morning, that he was abroad, and that he went from home on Christmas-day 1747, and did not return till the beginning of February following; but still he prevaricated, though death stared him in the face.

In the afternoon he changed his note a little, and owned, that though he was not at home from Christmas-day 1747, till after New-year's-day, he was not at Rotterdam then. And now he told his story thus, that finding his creditors pressed hard upon him, he left his family with an intent to go abroad, but did not; that the last day of December 1747, he was at Chatham, from whence he purposed to set sail to Rotterdam, but the winds being contrary, he did not. And this, he said, he remembered

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remembered particularly, from the circumstances of his going next day, Jan. 1, to Sheerness, where he met a woman of his acquaintance, who said to him, 'twas Christmas-day, and they must drink together; which pretence, though it contradicts the positive evidence of the servant maid, who lived in the house, yet it entirely destroys that of Peterson, who swore he saw him at Rotterdam in the latter end of December 1747, or in January following.

On Saturday morning he started fresh matter, and observed, that the evidence against him had sworn he had perjured himself by taking the oath, which the Act of Parliament directs to be done, before a person can be admitted to have the benefit of the Act; which, said he, they could not know, because they were not present; nor did any of his creditors appear upon the day of his discharge to except against him. To this it was answered, that he mistook the point; what they attempted to prove was only, that he was not abroad at the time, which they had fairly proved, and himself had owned. Then he said, he did not even take the oath required, *i. e.* he did not lay his hand on, nor kiss the book. He was told, that if he did not, it was adding more to his guilt, and in the eye of the world would make him appear the more designing, and greater villain.

He then related the whole affair, and proceeded thus: I was, said he, at Rotterdam in the year 1747, and when I came home, was put into the Fleet for debt. I soon got out again, and got my liberty, when I began to bethink myself of going abroad. Accordingly,
I went

I went from home on Christmas-day, but the wind proving contrary and tempestuous, I staid from home till after New-year's-day; when I returned home, and did not go out much, till it might have appeared to the neighbourhood I had been abroad, tho', in fact, I was not out of England, at Rotterdam, nor beyond the Seas, at that juncture of time. 'Tis certain I had been there several times before, and since, but not at that time.

He was asked, how he came to enter upon the wicked design he afterwards went through with? he said, he was persuaded to it. He was again asked, how he could suffer himself to be persuaded, to run the risque of his own life? he said, it was a good while before they could prevail with him; but being continually teased, he was at last over-persuaded, and resolved upon it.

In pursuance of this resolution, he soon after went to the Fleet, and surrendered himself as a fugitive; then he, and his bad managers, proceeded to give notice to his creditor, and to provide a schedule, which he declared to the last he had no hand in, nor was it even signed by him, with his name or mark.

Saturday, in the afternoon, he made the same declaration as he had done before, and that he had no title or pretence to the benefit of the act, and was persuaded, that had his title to it been ever so good, he had not a right to the advantage, since he did not take the oath required; for he constantly affirmed to the last, that though he was present the last day of clearance at Guildhall, and heard the oath repeated, he neither laid his hand on the book,

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nor kissed it, but believed he did repeat some of the words. Such was his prevarication!

On Sunday morning he was applied to again, and desired to be more explicit in his confessions than he had been. He replied, what would you have me say? I've told you all the truth, and I can say no otherwise than I have done. If I should, I should belie myself, and my own knowledge.

On the Sunday evening, it pleased God more fully to open his eyes, and he forbore insinuating any thing to the prejudice of the evidence against him; and now he could not but confess his guilt, with all its aggravating circumstances of fraud, perjury, prevarication and hypocrisy, under which burden he laboured grievously, and at last set himself to endeavour, if possible, to ease his tortured breast, by looking to Christ with sincerity and repentance, that he might not labour at his dying hour, under the want of hopes of salvation, through him who died to save the sinner, but not the hypocrite and impenitent.

On the morning of his execution, he appeared greatly affected at his approaching fate. Oh! said he, that I had but more time to repent; I have been a very wicked man, and I fear for the consequence of my many transgressions, but that especially for which I suffer. But I trust to find mercy with God, thro' Christ, and I hope the losing my life for the offence will, in some measure, make atonement, and those whom I have offended will forgive me.

He was the first that ever was brought to public justice for the breach of any Act of Insolvency, and may he be the last to deserve it!

The

*The Trial of M'DONALD, BERRY, EGAN,
and SALMON, for being Accessaries before
a Robbery. Aug. 1754.*

STEPHEN M'DONALD, JOHN BERRY, JAMES EGAN, and JAMES SALMON, were indicted, for that at the gaol delivery at Maidstone for the County of Kent, on Tuesday the 13th of August, Peter Kelly, and John Ellis, were in due form of law convicted of robbery on the King's High-way on James Salmon, by putting him in fear and danger of his life, in the Parish of St. Paul, Deptford, in the County of Kent, and taking from him one linen handkerchief, an iron tobacco-box, one guinea, and one half-crown; and the said Peter Kelly, and John Ellis, were tried and convicted for that robbery; that they the said M'Donald, Berry, Egan, and Salmon, on the 23d of July, were accessaries before the felony was committed, and feloniously and maliciously did abet, assist, counsel, hire, and command the said Kelly and Ellis, to commit this robbery.

There was a second count in the indictment, as an offence at common-law.

At the desire of Berry, the witnesses were examined apart.

Joseph Cox produced a copy of the record of the conviction of Peter Kelly, and John Ellis, and swore he had it of Mr. Knapp's Clerk, with whom he examined it with the record, *(the purport of which is,)* 'that Peter Kelly, and John Ellis, were tried the 13th of August, 1754, at Maidstone assizes, before Sir Dudley
P 2 ' Rider,

' Rider, Knt. and Sir Michael Foster, Knt. for
' the said robbery on the defendant Salmon, and
' found guilty.'

Thomas Blee. I have known the prisoner, Berry, eight or nine years, and M'Donald twelve months last November: I never had any acquaintance with Salmon, till thro' Berry in the month of June last. I have known Egan four or five years, by his coming backwards and forwards to Berry's.

Q. Did you know Peter Kelly, and John Ellis?

Blee. I did; I believe they are now in Maidstone Gaol.

Q. Tell the Court the first time you had any conversation with them.

Blee. I lodged at Berry's house, and worked with him; Berry said to me, in the beginning of July, go to M'Donald, who then lived in a court in Holborn, and tell him I want to speak with him. I went, and we came back together to Berry's house; they both said, Tom, money grows scarce, you must give a sharp look-out for a couple to go upon the scamp now, and if you can't get two, you must get one. To go upon the scamp, is to go on the highway. I told them, as Kidden's was so bad an affair, I did not chuse to be concerned any more. M'Donald said, d---n your eyes, if you don't, it shall be the worse for you. Then Berry said, I might go about my business; so I went away. The next morning Berry called me into his room. He lived in George-yard, the upper end of Hatton-garden. He then said, go to Mr. M'Donald, and desire him to meet me in the fields,

fields, about eleven o'clock. I did, and we went into the Spaw-fields, and Berry came to us. They both said to me, go and look about the fields, and see if you can pick up a couple of idle fellows, that will do for the purpose, that is, to go upon the scamp. Accordingly, we three went into the fields several days, but could not meet with any body fit for the purpose. I remember one day in particular, it was Monday the 15th of July, that day they ordered me to go into the fields, and said they would come, and I sat there two hours before they came; then M'Donald came to the top of the hill, and bid me come to the sign of Sir John Oldcastle, and said my master was there; I went with him, and in an arbour at the bottom of the yard, sat Berry, and Salmon the breeches-maker. There we discoursed together about doing this robbery. M'Donald said, we'll do the thing somewhere towards Blackheath; then he and Berry had a sort of a wrangle, whether they should not have it done between Newcross Turnpike and Deptford, just facing the four mile stone. They pitched on this place, because there is a reward of 20l. given by the inhabitants of East-Greenwich, for apprehending highwaymen and footpads. Berry said, suppose we have Egan concerned with us; then they talked about his being the *Fence*, as they call it; that is, to buy the goods after Salmon had been robbed of them. M'Donald objected to Egan's being in, because he thought five would be too many to be concerned in the reward. Berry said, we can't cleverly do without him; and if there were five of us concerned, it would be pretty near 20 l. each if a Constable

should come in. So they all agreed, that Egan should be concerned as a Fence in the robbery, and Berry said, he would acquaint him with it that night; and said to me, now, Tom, you may go home about your business, we will not be seen in the streets together.

Next morning I went out again to see if I could find any body for that purpose, but I could not that day; the next after, Berry ordered me to go and tell M'Donald to come to him at the Bell-Inn, in Holborn; M'Donald and I went there accordingly, where we met Egan, Salmon, and Berry, when it was concluded that the thing should be done, i. e. that I should get a couple to go on the highway; and that Salmon should be the person to be robbed; and Berry and Salmon talked about making two pair of breeches that Salmon was to be robbed of, and to mark them under the pocket or Waistband, with some particular mark, I think it was to be J. S. then Berry and M'Donald said, they must have a particular handkerchief too; then M'Donald put his hand into his pocket, and pulled out a handkerchief; Salmon said, he had got a handkerchief at home that he would mark so as to swear to it; that is, with four oilet-holes, one at each corner. Berry said, they should want a tobacco-box. M'Donald said, he had got a very remarkable one, and I know it to be the same now. (*taking it in his hand.*) M'Donald said, he would give it to Salmon to be robbed of; then they wanted a halfpenny, and would have it marked. M'Donald said, he had a pocket-piece, which I saw his wife buy for 3d. and a halfpenny worth of gin, some time before; he said, that would
do

do, and it should be marked with a shoemaker's tool, and gave it him to mark; Egan said, he had a tool he used to stamp shoes with, and would mark the piece with it; then they bid me go home about my business. Next morning, Berry gave me 3d. and ordered me to go down to Fleet-market, to see if I could pick up two men or lads there. Accordingly, I went, and met with Peter Kelly, and John Ellis, very bad lads, that is, pickpockets. I gave them a dram of gin, but had no discourse with them then about the thing. Next morning Berry gave me 3d. more, and bid me to go down to Fleet-market, and be sure to have a little talk with them, and told me what to say, and that was to tell them, I knew where to get a brave parcel of Lullies, that is, of linen, if they would go with me to Deptford; I went, and met them there, and told them as I was ordered; they both agreed to go with me any time I thought proper. Ellis is a chimney sweeper, about 20 years of age, and the other about 21. Next morning Berry sent me to M'Donald, to bid him come to the Plumbtree, in Plumbtree-court, Shoe-lane; there we met Berry and Salmon; Berry told Salmon, I had got two men, Ellis and Kelly, who had agreed to go with me any where. Berry bid me drink once, and go about my business. The reason why they chose I should go by myself, was because people should not take notice of me. This was said, when they gave me this great-coat that I now have on, to disguise myself. I had then been to Kelly and Ellis at Fleet-market, where I saw them on a bid

pea-cart; I gave each of them a glass of gin, and bid them good-bye; about two hours after that, I met them again in the market, and asked them if they would go to Deptford or not? they said, yes; Kelly asked me if I had got any bag to put the linen in? I said, we did not want a bag, I would tell them more of that another time, and so left them. At night, Berry bid me come to him in the morning; I did so, and he gave me 6d. to treat them with. I went into the Brick-fields, and found them, and treated them with gin and beer, agreed to go to Deptford and steal linen, and promised to meet them the next morning; I left them in the Spaw-field, and went to M^cDonald's house and dined there. I told him I had got two lads, that I believed would do for the thing, and who they were, and said, I should see them again to-night or to-morrow; he said, that was very well. At night I saw Berry, and told him what had passed between the lads and me; he said it was very well. Next morning, July 22, about five o'clock, Berry bid me go, and tell M^cDonald not to be out of the way, and gave me 3d. to go down and treat Ellis and Kelly with gin; I went down, and there met with them, gave each of them a halfpennyworth, and told them I would fix a day when to go to Deptford, so left them and went to M^cDonald's, where were Berry and Egan. I said, if Egan has a mind to see them, he and I would go down to the Fleet-market; we went, and there the two lads were sitting on a pea-cart; I gave them a halfpenny each for gin.

Egan

Egan stood three or four yards from them, leaning against a post; then he went one way and I another, and met at M'Donald's house. Egan said to M'Donald and Berry, by G--- they will do very well, they are two pretty lads. Then we parted, and Berry and I went over to the Plumb-tree; as we went by Salmon's door, in Shoe-lane, Berry beckoned to him, and he went with us; I left them together. On Tuesday morning, Berry and I went to the Plumb-tree again; he sent me to tell M'Donald that he wanted to speak with him; I told him, and he came; then I went to find the two lads, found them in the Fleet-market, and discoursed with them; they said they were going to work in the Artillery-ground; that is, to pick pockets. I came back, and acquainted Berry and M'Donald with it. Berry gave me 3d. and bid me go and keep them company. I went and walked up and down with them. About half an hour after two o'clock, Berry and M'Donald came into the Artillery-ground; I went to Berry, and asked him if he thought they would do? he said do! d---n me, I have done less than they over, for March and Newman were less; he gave me 6d. and bid me be sure not to leave them; I went round the Artillery-ground, and met with M'Donnald, and asked him if he thought the two lads would do? he said, d---n your eyes, I have done less than they over at Kingston; then I left him, and went and gave the lads part of a full pot of beer; then I bid them good bye, and told them I would see them again the next morning. I went home, and in the

the morning told Berry I was going to them; he gave me 3d. and I went to the Fleet-market, and told them I believed the thing would be done on Friday next; if not, I would let them know farther; then left them, and told Berry I had seen them; he said, d---n you, don't you go to deceive us; do you come to the Bell in Holborn bye-and-bye, and tell M'Donald I want him; I did so, and left word as he had ordered me. Then I went to the Bell, and Berry met me at the door; he said, here is 3d. go away to the Artillery-ground, and be there about two o'clock; this was on Thursday the 25th in the morning; he said, don't come in; for Mr. Bagley is here; I don't want him to see you. Bagley was a neighbour of Berry's. I went to the Artillery-ground, and walked about an hour and a half before I saw either Berry or M'Donald; presently there was a hue and cry after a pick-pocket, M'Donald came to me, and said, d---n me, the chief person is ducking in the Pyed-Horse-Yard, follow him and give him some gin, for they have almost killed him. It was Ellis the Chimney-sweeper. I followed him across Moorfields, and saw the people go from him till there was but two or three about him; I gave him a penny, and went back to M'Donald, and told him he was very safe, and as we were coming out of the ground, we met one they call Plump, (his name is Brebeck,) and another fellow they call Doctor, that was turnkey at Clerkenwell Bridewell; Plump, seeing me and M'Donald together, said to me, d---n you, you rascal, you deserve to be hanged for that affair of Kidden. M'Donald said to me, come along,
don't

don't be afraid of any body. I went to Fleet-market, to see if Ellis was safe; I found them both, and told them I would meet them next morning; they had no money to pay for a lodging; I said, here is three half-pence for you, go and lie in the Brick-fields to-night; then I went home to Berry's; I told him of Ellis's being ducked; he said, they agreed that it should not be done on the Friday, lest the lads should be apprehended on the Saturday, and kept all Sunday in the watch-house, and they might tell somebody of my being concerned with them, and so, by impeaching me, I might be apprehended; and therefore fixed it to be on the Monday, on which morning Berry gave me 2d. or 3d. to go to the Fleet market to meet them, and bid them stay till nine o'clock, and say I would come to them again, which I did, and returned to the Plumb tree, where Berry, Salmon, and M'Donald were. Berry changed a guinea, and gave me five shillings and bid me not be extravagant; he said it was to flash to the boys, and to say, I made that last night; I was to pull it out all at once; he gave Salmon half a crown to be robbed of; he said, now go away as fast as you can; I asked him at what place shall I stop for you, to see you are going, that we may both be sure? I said, I will stop at the Bell in the Borough, and call for a glass of gin, then you may be sure we are going to Deptford; I left them, and went to the two boys, and went with them to a house in Little-Britain; there I called for some beer and bread and cheese, pulled off my coat, and said I must go to the Pence to get some money, for the woman had
not

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not paid me all: I left my great-coat, and went to Berry, and bid him hasten away, for the boys wanted to go: Berry said he should be over the water time enough for us, I went to the boys again, and called for another pot of beer to delay the time. Then we set out for Deptford. When we came to the Bell, in the Borough, we went in, and there sat Berry and Salmon. After we came out, Kelly said, d---n your eyes, there is that old thief-catching son of a bitch, your old master; said I, never mind it, I don't belong to him now, then we went down the Borough-market, they bought a breast of lamb for their dinner, and we went to the Black-spread-Eagle, in Kent-street, (which was the house the prisoners and I had appointed for them to come to the next day.) We had the lamb fried for our dinners, from thence we set out for Deptford, at about half an hour after twelve o'clock; I had made them almost drunk, but as we could do nothing till it was dark, we would go into the fields and get a sleep, they slept soundly; at a proper time, I awaked them, and away we went to Deptford, about an hour before dark, I went with them to the Ship, the house Berry and Salmon had appointed to come to, I called for a pint of beer at the door, and bid them stay there, while I step: to see a relation in the town, but went to see for Berry and Salmon; I found Berry, we went to a publick-house, he called for a pint of beer, and bid me return to the boys, and Salmon should come to the house, I went to them, and took them into the house, and said, I expect my cousin to come to me.

Q. Had you let the boys into any knowledge of this affair, before you came to this place?

Blee. No; I had only told them it was to steal some linen; they went for no other intent; then I went in and called for a pot of beer and bread and cheese, and after that called for another pot; in the mean time, in came Salmon, and sat down near us, and began to talk about going to London; it was then dusk; I saw Berry go by the window, he beckoned and I went out to him; he said, be sure follow Salmon when he comes out; I went in again, and Salmon presently went out; I changed half a crown, and asked the lads if they would have any gin. When Salmon first came in, Kelly said, there is that old Blood of a Bitch the breeches-maker, his son and I have been picking pockets together many a time; I said, never mind that, what is that to us? I knew the place where he was to stop at; it was just by the four mile-stone; this was agreed upon before. The two boys and I went on, and by the four mile-stone, by a gate, Salmon stood, as if he was making water. D---n me, says Kelly, there is the old breeches-maker, he is sucky, let's *scamp* him.

Q. What reason did you give the lads for following Salmon?

Blee. I said we would take a walk till it was time to steal the linen. When Kelly came up to Salmon, he said, D---n you, what have you got there? Salmon said, gentlemen, take what I have got, don't use me ill; he had the breeches under his arm, tied in a blue and white handkerchief; he gave them to me, and I to Kelly;

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I said to Kelly, what money has he got? Salmon said, there, gentlemen, what money I have got, is in my left-hand waistcoat pocket, in a tobacco-box. Kelly put his hand in, and took out the tobacco-box, and a clasp knife and fork; then away we walked on for London, and came into Kent-street, as fast as we could, and lodged there all night, at a house where I paid the lodging money at going down, by Berry's order, to induce the lads to come there again; it was then about eleven o'clock.

Q. What did you take from Salmon?

Blee. We looked at that coming along; I knew what was in it before; there were 2s. 6d. and a pocket-piece, with Skilion on it, or some such name, and a punched mark in the middle of it.

Mr. Cox produced the things mentioned, viz. the tobacco-box, pocket-piece, breeches, handkerchief, and knife; all which, Blee said, were the same as taken from Salmon.

Q. What was done the next morning when you lay in Kent-street?

Blee. We got up about seven o'clock, and went over the way to the Spread Eagle; I called for some beer, bid the lads sit down, and I would go and get something for breakfast; but went to the White-Bear, where Berry ordered me to come to him; there sat Berry, Egan, and Salmon, on the bench; M'Donald was not come; Berry bid me go back, and Egan should come after me presently; Egan and I walked up the street a little way together; I said, stop there a bit, while I go to that shop to buy a lamb's liver for breakfast; he said he would go on, and went and called for a pint of beer; I came after

ter with the liver; I said to Ellis and Kelly, that man, (meaning Egan) deals in Rag-fair, tho' I knew he did not; may be he will buy the breeches, shall I ask him? yes, said they, with all our hearts. Master, said I, will you buy some leather breeches? he said, let me look at them, if you and I can agree I'll buy them; having looked at them, he said, what will you have for them? I said 6s. he said, I will give you 5s. and gave Kelly 1s. earnest, and said he had not so much money about him, but he would come in an hour or two, and pay the rest, and would leave the breeches in our care till he came back. I said, my friend, will you eat a bit of liver and bacon before you go? he sat down, and called for a halfpennyworth of tobacco; God bless me, said he, I don't know what I shall do, I have lost my tobacco-box. (This he was to say.) I said to Kelly, let us sell him our's; then Kelly asked him if he would buy a tobacco-box? said he, let me look at it, and asked what he would have for it? Kelly answered, 6d. I said, we will have no dry money; Egan replied, he would give a full-pot of twopenny for it; Kelly said he should have it. After he had eat his breakfast, he went out, and goes to Berry and Salmon; I took the two lads backwards to play at skittles to detain them, but the ground was so wet that we could not play; so we found out another pastime, called *the Devil and the Taylors*; I kept them there an hour and a half; then I said, if the man don't come, let us sell the breeches; I said, I would go and be shaved, left my great-coat, and went to the White-Bear, but they were gone to the Elephant and Castle; I went to them; Berry asked me where my

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great-coat was, bid me go and fetch it, and said, M'Donald and Egan shall go; I went back again to Ellis and Kelly, and said, the barber is busy, I must go again bye-and-bye; I put on my great-coat, and went to the Elephant and Castle again; Berry bid me go to the Bell in the Borough, stay there till he came, and get shaved. As I was going away, Egan and M'Donald went out; I went to the Bell, and in about an hour Berry came in, and we went homewards together. On Ludgate-hill, we saw one Mr. Rogers, coming along, Berry said, leave me, don't be seen in my company; at night, I desired him to lend me some money to go to fair to-morrow; he said, that is right; Uxbridge fair is to-morrow; he lent me 18d. it was to buy shrimps at Billingsgate; I went to the fair, and came back the first of August. Berry bid me not be afraid, he would always keep a good look-out, and they all said, if I was taken up, Salmon should never appear against me.

Q. from Berry. You say Kelly and Ellis went with you, under a notion of stealing linen, and Kelly accidentally pitched upon Salmon, and proposed to you to commit a robbery on him?

Blee. No, he did not till we just got up with him, then he said, there is the old breeches-maker, let us *scamp* him.

Q. from M'Donald. Ask him if he has not had a quarrel with me, and swore he would be revenged on me?

Blee. No, never; M'Donald once got a long knife, and threatened to cut my throat.

Berry. Because I took his brother, who was transported, he always swore he would be revenged on me.

Blee.

Blee. I never swore so; he did not take him.

Salmon. I have never been at the Bell, in Holborn, these five years.

Bl. He was there as I have mentioned.

Q. from Egan. I want to know if it can appear by any man or woman, that I have been in a house with Blee.

Blee. There are several can prove it.

George Holewright. I live in Scroop's-court, facing St. Andrew's Church, Holborn. I know three of the prisoners, viz. M'Donald, Salmon, and Berry, as also the witness Blee, but Egan I do not know. I have known M'Donald and Berry some years, the first kept the sign of the Angel in Scroops-court.

Q. Where did he lodge about July last?

Holewright. He and his wife, as he calls her, came to my house on Ash-Wednesday was twelvemonth, and continued there about four months, till he was taken up at Maidstone. I have seen Blee; he was a very handy man among them. Blee used to come to M'Donald's to clean the house and wash the dishes; and often came to ask for his master Berry. They used to be generally together.

Q. Do you remember he was at M'Donald's lodgings, in Scroop's-court, in July last?

Holewright. The last time I saw M'Donald, was on the Friday night, and the next day he was gone to Maidstone, but I thought he was gone to Coventry; and I saw Blee at my house much about that time. They were very busy together; but as I never expected to be called upon in Court about these things, I made no accounts of this. I saw Blee in the Artillery-ground, running backwards and forwards, when

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the White Regiment marched; I said Tom, what are you at? he said, hold your tongue; I saw him cross several times.

Q. Did M'Donald tell you he was going to Maidstone Assizes?

Holewright. No, he never mentioned a word to me of that; he said he had taken a man in Smithfield, for a murder, and he expected to have the reward, and should go to Coventry one day or another.

Q. Did you know the prisoners at the bar were acquainted together?

Holewright. I have seen M'Donald and Berry together especially, Salmon the least; I have seen them altogether, except Egan; Blee was a sort of a runner to them, as I thought.

Q. *from Berry.* Where have you seen us drinking together?

Holewright. At M'Donald's, when he kept the Angel, in Scroop's-court, which is about five years ago. I have seen you lately at the Union-Arms, in Union-court; I have seen them all three there, which is about seven or eight months ago.

Berry. We have been in gaol seven months. Did you ever see me at your house where M'Donald lived?

Holewright. No, I never saw you within my door; I have seen you about the door, in the court, once, twice, or three times.

John Kirby. I live in Cross-street, Hatton-garden, I know Berry, M'Donald, and Salmon; I have seen Berry and M'Donald at the Two Brewers, on Saffron-hill, on the 8th of July they were drinking at the door; I have seen M'Donald and Salmon at the Union-arms, in Union-

Union-court, soon after they were very well acquainted; I have seen Blee come several times to the Union-arms to fetch beer for M'Donald; his beard was very long most of the time I knew him.

Q. from Salmon. How often have you seen me at the Union arms?

Kirby. I saw Salmon once in the kitchen with M'Donald, and at another time sitting at the door, and Blee came while he was drinking with M'Donald, and fetched both away in a great hurry; this was in the month of July.

James Price. I know John Berry; he lived in George-yard, where I now live; I have seen M'Donald frequently with him there, and likewise Egan. Salmon came into the yard in August last, and asked me if I had seen Berry? I directed him to the Hat and Tun, where I had seen him go; as to Blee, I had a warrant against him, and young Berry kept Blee from me in his house; this was about a year ago. About the beginning of August, I saw Berry, M'Donald, and Egan, at the Two Brewers, at the bottom of Saffron-hill; I have often seen Berry and M'Donald together, they were seldom apart.

John Samms deposed to the same effect, that he knew all the prisoners at the bar, had often seen them drinking together, and that there was an intimacy between them.

Q. from Berry. Was you ever up stairs in my house to see what beds I had?

Samms. I know my Lord, (meaning Blee) always went up stairs, and when Berry turned his wife out, Blee used to lie there.

Berry.

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Berry. When he had neither shoe nor stocking on his foot, was he fit to lie with me?

Samms. I know when Berry has turned his wife out, he has took Blee in and locked the door.

Q. to Kirby. Look at this tobacco-box, did you ever see it before?

Kirby. Yes, I am pretty sure I have, it belongs to M'Donald. I remember when Salmon and he were together at the Union-Arms, some tobacco being left on the table, M'Donald took out this box, and put the tobacco in it.

Q. to John Brayder. Do you know this pocket-piece?

Brayder. I sold a piece once pretty much like this, there was on one side of it wrote Skilling, but there was not this mark upon it when I sold it, (*meaning the mark which Blee said Salmon made in the middle.*) I sold it to a woman; one Blee was with her at the same time. This is the man (*pointing to Blee.*)

Q. to Blee. Was you by when this man sold such a pocket-piece as this?

Blee. I was, he sold it to M'Donald's wife or company-keeper, she gave him 3d. and a half-pennyworth of gin for it.

Joseph Cox. I have known M'Donald two or three years; I never saw the other till I saw them all together at Maidstone affizes, I went down on the 14th of August, I am chief constable of the lower half hundred of Blackheath, I had an information about the beginning of August, that a breeches-maker had been robbed

robbed in the parish of Deptford, where I live, by three footpads, and that two of them were taken by M'Donald and others, and sent to Maidstone gaol, and the third person, whose name was Thomas Blee, I was informed, kept company with M'Donald, and after two or three days searching I very fortunately took that person, with the help of a constable of Greenwich, on Friday the 9th of August, in Newgate-street, very early in the morning. I took him directly to the water-side in order to carry him to Greenwich; when we got him into the boat, he said he would discover all he could concerning the robbery on the breeches-maker, I bid him not do it then because of the watermen, till we came to a magistrate, we took him before a justice of peace, there he made an information. This is it.

Q. Do you know whose writing it is?

Cox. The name was wrote by Thomas Blee, and the rest by Justice Bell.

Q. Was it read over to him before he signed it?

Cox. He read it over, and I read it to him before he signed. It was taken on the 9th of August, but not sworn till the 13th, the Justice and Blee signed it in my presence.

Kent, to wit. The information of Thomas Blee, of the the parish of St. Andrew, Holborn, breeches-maker, taken upon oath.

" This informant saith, that about four weeks, or upwards, ago, Stephen M'Donald and John Berry, desired him to look out, and they gave him money to that intent, to get into company with two lads, or men, which he should afterwards betray by getting them into a robbery, and

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and they share the reward given upon their conviction, and in order thereto, they did go frequently with the informant into the adjacent fields, but could not meet with any. And this deponent saith, that he hath met Stephen M'Donald, John Berry, James Salmon, breeches-maker, and James Egan, of Drury-lane, cordwainer, in order to concert and put this their said scheme into execution; and that he, the said deponent, met with John Ellis and Peter Kelly (now prisoners in the county gaol at Maidstone) in the Fleet-market, and as he knew them to be persons of bad life and conversation, he introduced himself into their company: after treating them, he asked them to go with him to Deptford, to steal some linen, which they agreed to do the Thursday following, by the direction of the said Berry, M'Donald, Salmon, and Egan, who had all, at different times, seen the said Ellis and Kelly, and approved of them for that purpose, and judged it most fit to have the robbery committed on the Monday morning, lest they should be detained near London on the Sunday, and some circumstances might render their schemes abortive, and that they met at the Bell in Surry as they went.

“ And this deponent saith, that it had been concerted between them, that the intended robbery should be between New-crofs turnpike and Deptford, to entitle them to the reward offered by the said parish; that he took the said Ellis and Kelly to a publick-house, known by the sign of the Ship, where they had promised to come to him; and after staying there some time, he left Ellis and Kelly at the Ship, and went out to look for Berry and Salmon, he found Berry, who
coun-

counselling this deponent to return to Ellis and Kelly, and said that Salmon should follow him immediately, that he returned, and Salmon came into the house at the sign of the Ship, and staid there near an hour, during which time, he this deponent, treated them with bread, cheese, beer, and gin, and Salmon going away in the evening, they followed, and agreed to rob him in the first place Salmon stopped at, which was the four mile stone, under a pretence to urine, but it was in order that they might overtake him, that being thought the most convenient place; that they came up with the said Salmon there. And this informant, without his, or either of the said Ellis and Kelly, producing any weapon, took from under the said Salmon's arm, two pair of leather breeches, which had been purposely marked, particularly on the waistband or pocket; and that he took out of his pocket a clasp knife, and a tobacco box, which tobacco-box, he says, was M'Donald's; but as it was a particular and very remarkable one, he lent it to Salmon on this occasion, which had in it two shillings and sixpence in silver, and a silver pocket-piece, which he had submitted himself tamely to be robbed of; and after they had left this said Salmon, they went and lodged in Kent-street, and in the morning he took them to the Spread-Eagle, where he had agreed with the said M'Donald, Berry, Salmon, and Egan, to take them; that about seven in the morning, the said Egan came in accordingly, and that this deponent told the said Ellis and Kelly, Egan dealt at Rag-fair, and he asked the said Egan if he would buy the said leather breeches, and he agreed to pay 5s.
for

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for them; that he gave them a shilling in part; after that he called for a pipe of tobacco, and said that he had lost his box, with intent to buy that they had taken from Salmon; that he bought it of them for a pot of twopenny; then he went out to get the remainder of the money for the said breeches, and went to another ale-house in Kent-street to M'Donald, who immediately went with Egan, and secured the said Ellis and Kelly with all the things, except the said tobacco-box, which Egan had purchased of them, as he believes. And this deponent farther saith, that he has been several times in company with the said M'Donald, Berry, Salmon, and Egan, and they have all severally encouraged him, and said, if he should be impeached, they would say nothing against him; and they promised to share the reward and subscription-money raised between the said Berry, Salmon, M'Donald, Egan, and this deponent; and that this was contrived to convict the said Ellis and Kelly on purpose to get the reward.

Sworn before me. Bell."

Cox. As soon as this was taken, the same night I obtained a warrant against M'Donald, another against Berry, another against Salmon, and another against Egan. I was advised to attend the trial of Ellis and Kelly, and not to discover that I had Blee in custody till after the trial, and in order that he might not escape, Thomas Warren went to assist me. When I came to Maidstone, I informed myself who were on the back of the bill of indictment of Ellis and Kelly; their trial came on the 15th

of August, at night; I came into court soon after the trial began; Blee was then in my custody, but nobody knew it then at Maidstone; he was brought down in the night, and stopped short of the town. When I came in I heard Salmon giving evidence against Kelly and Ellis; he said he went in at the Ship at Deptford, and had a pint of beer; that he saw three men drinking in a box, and Ellis and Kelly, the then two prisoners at the bar, were two of the three persons, and the other was a carrotty-bearded fellow; that after he had drank his pint of beer, in the dusk of the evening, he set out in order to go to London, and having got as far as the four mile-stone, opposite to which at a gate, he stopped to make water; in the mean time the three men came up, and one of them d--nd him, and asked him where he was going? he said he desired him not to swear, and said he was going to London; upon that the carrotty-bearded fellow snatched the bundle from under his arm, and punched him on the breast. The judge asked him if it was light enough to see their faces, and whether he was sure the prisoners were two of the men? he said it was light enough to see their faces, and was sure they were the men that robbed him. Then he said that Kelly, one of the prisoners, drew a knife, and said, d---n him, let us search him, and took out of his pocket an iron tobacco-box, in which was a guinea in gold, two shillings and sixpence in silver, and a silver pocket-piece, and a clasp knife and fork: he said the bundle contained two pair of leather breeches, marked with J. S. and a figure of 4 under the right pocket, and that the handkerchief had an ollet-

hole at each corner, all which were produced in court; he looked at them, and said they were the goods he was robbed of, and were his property; and they are the same here produced; they were delivered into my care, and have been ever since. The judge asked him how he knew the pocket-piece? he said, by a particular mark it had in the middle. His lordship asked to see it, and it was handed to him.

Q. Look at that pocket-piece and tobacco-box.

Cox. They are the very same he swore he was robbed of. I asked the judge what he would be pleased to have done with the things? his lordship bid me take care of them till the persons were tried. He asked the prisoners if they would ask Salmon any questions? Kelly desired that Salmon might be asked whether he saw him draw a knife? Salmon said, yes, you did, but I suppose you will deny all the rest presently. Kelly said, that can't be, because I had no knife. There was one circumstance which I forgot; when the judge had asked him whether it was light enough to see their faces; he also asked him; if he could know the carrotty-bearded fellow, and if he had ever seen him before? he said no, not to his knowledge.

Q. Were the other prisoners there?

Cox. I saw M'Donald, Salmon, and Egan, who all gave their evidence; but did not see Berry in court. Egan next gave his evidence, and said he dealt in old cloaths; that on the 30th of July he went into Kent-street, to the Lock-hospital, to see if they had any cloaths to sell, but they not being up, he went into the Black-spread-

spread-eagle, to get him a pint of beer; that he observed three men there drinking, and as he was telling the landlady his business, one of them a carrotty-bearded fellow, not taken (for they did not know he was taken then) asked him if he would buy two pair of breeches if he said, yes, if they could agree for the price, and they did agree for 5s. and gave Kelly 1s. earnest, till his wife should come with more money, or something of that sort; and he was asking the landlady for a halfpennyworth of tobacco, and as he was saying he had lost his tobacco-box, one of the men offered to sell him one, and he bought it of him for a pot of twopenny. He said, as he was looking at the breeches, he knew them to be Salmon's property, having heard that Salmon was robbed over night; he went out under pretence of getting the rest of the money, but meeting with Mr. M'Donald, an acquaintance of his, and knowing him to be an officer, he told him the story, and M'Donald said, he need not trouble himself about an officer, for he could do as well as a constable; and so he returned back with him, and took Ellis and Kelly; and upon searching them, took out of Kelly's pocket, a silver pocket piece, 1s. and a clasp knife. The judge asked him how he knew the breeches belonged to Salmon? he said, by a particular mark. He was asked how he knew the mark? he said, he had bought breeches of him for himself and for his son 12 years, and knew his mark. The judge asked the prisoners if they would ask that witness any questions? Kelly desired he might be asked, if the carrotty-bearded man and he did not wink at each other, before he offered to sell the breeches?

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And Egan also said, what gave him the greatest suspicion that the breeches were stolen, was, because he had seen one of the two prisoners ducked for picking pockets in the Artillery-ground. M'Donald was the next witness; he said, he met Egan, an acquaintance of his, and Egan, knowing him to be an officer, told him the story, and he went with him, and took Ellis and Kelly, and found upon Kelly a silver pocket-piece, a shilling, and a clasp knife; that there was a drummer in the room when he was taken, whom he ordered to assist him; I had fixed my eye pretty steadily upon Mr. Berry, whom I asked to go with me to drink a glass of Wine, which he did, and I secured him at the Bell; then I went to secure the others according to my warrants. As soon as they had given their evidence, the crier ordered them to go out. We secured them; upon searching M'Donald I found this knife upon him (*a long sheathed knife of the dutch sort,*) I was told of it before. As soon as they were secured, I was forced to get leave to put them in the mayor's gaol. I asked Salmon if he knew one Thomas Blee? he said, he knew no such man; I replied, I am sure you must know him; he as positively denied it again. The next day, when he was carried before the justice (I believe there were 20 or 30 of them) Blee was brought face to face to him; he looked at him, and declared he had never seen that man in his life before: I asked M'Donald if he knew Tom Blee? he denied he knew any such person. I asked Egan the same, and he as positively denied it as the rest. As Berry and I were going to the Bell, he asked me what I thought would be the fate of

Ellis

Ellis and Kelly, and who was to pay the expence of the prosecution, for it was very considerable? I told him, if they were convicted there would be sufficient to pay the expence very handsomely; and if they were acquitted, the prosecutors, I believed, must bear the expence themselves; he said, he knew that, and for that reason if this affair was well over, he never would be concerned again; when I came to the Bell, I took him into custody; and when I had secured the others in the mayor's gaol, I carried him to them, and then asked him, if he knew Tom Blee? he said he did not know any such person. The next day, when Berry had been carried before the justice, and was committed, he and I walked together from the Bell to the gaol; in going along he said, he hoped the gentlemen would not admit M'Donald an evidence, (for at that time it was thought he would get to be an evidence) because he had saved himself once before by the same means; but, said he, if the gentlemen will admit me an evidence, I can do for M'Donald and another man, whom he named, who is not in custody, and I know not whether I should name him.

Court. Name that person.

Cox. It is Ralph Mitchael; I asked him, if he would tell me any particulars he could alledge against them? he said he would write to me in a few days, but he never did. As to M'Donald, the next morning after he was apprehended, he desired to speak with me in the room where he was confined. I took Mr. Warren, one of the constables of Greenwich, with me, and went to him.

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He said, he had rather speak to me by myself; on which Mr. Warren withdrew. He then cried a good deal, and begged of me to be his friend, and get him committed for farther examination; for he said he could make a very great discovery relating to the public, and could put 500*l.* in my pocket. I told him I would acquaint the gentlemen with what he said, and accordingly I did, and used my endeavours to prevent his being committed for farther examination; he was afterwards committed on the warrant.

James Cornack. I am a drummer, and was quartered at the Black-spread-eagle in Kent-street. On the 30th of July last, I came down between eight and nine in the morning. I observed three men sitting together in a box, one of them had a carroty beard, which was Blee; they had some victuals and drink before them; the others were the two prisoners that were cast at Maidstone. Blee said, I will go and get shaved, he went out, and in about eight or ten minutes after, in came M'Donald, and laid hold of Kelly, and said, come out, you black-guard dog. I said, what makes you abuse the lad in this manner? he said, d---n him, I have got a warrant against him, I am an officer, they have robbed a man just against the four milestone, near Deptford; I desire you will aid and assist me; I said, if that is the case, I will. He took a rope out of his pocket, and tied them together; now, said he, I will take care of them; do you step down to the Elephant and Castle, and you will see two men; I went there, and saw Berry and Salmon; I said to the latter, I believe you are the gentleman I want; there is
one

one at my quarters wants to speak with you. Berry said, go along with him. Salmon went with me. Coming along, I said, what is the matter? what has happened? Said he, I was at Deptford-yard last night, and took some money, and had some breeches with me; there were three chapps stopped me and robbed me of a guinea in gold, half a crown in silver, a tobacco-box, and two pair of leather breeches, tied up in a handkerchief. We went in; there stood the bundle on the table, and Egan sitting in a box opposite the lads. M'Donald asked Egan, what he had in that handkerchief? He answered, it was no business of his, for it was all his, and he had bought it of the lads. I made him open the handkerchief, and there we found the breeches, &c. which Salmon said he had been robbed of. M'Donald searched Kelly, and took a clasp knife out of his pocket, a shilling, and a silver pocket-piece; he gave him the shilling back again; they shewed me the pocket-piece; it was marked in the middle, and desired me not to be mealy-mouthed when I came before the justice. They tied the things all up in a handkerchief, and we set out with them to a Justice of the Peace at Greenwich. Going along, M'Donald said to the lads, you have made a good hand of it, if you have spent the guinea already; the lads said they never took a guinea from him. M'Donald said to me, one of them has got money in his stockings, but let them keep it, poor things, they'll want it; he urged them very much to confess the robbery, and told them, if they would not, they should certainly be hanged.

His

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His words were, you Dogs, I would have you confess before the Justice, it will be the better for you, and tell me where the other fellow is gone; they said they could not tell any thing about it, and would give him no answer. He said, if they would confess he would do all in his power for them, and untie them when they came to Deptford, and they should go by water. We came to the Five Bells at the end of Deptford Road; M'Donald called for a pint of beer, and asked the lads if that was the house they were at the night before? they said no, but at the sign of the Ship; then we set out again; Salmon and Egan followed at a distance; when we came to the Ship at Deptford, M'Donald asked the landlady if she saw these two lads there the night before? she said, yes; then he said, did you see that man that is now at the door; (meaning Salmon.) She said, yes, he was here at the same time, and they went out about ten or twelve minutes distance one of another. Said M'Donald to me, take notice of what this landlady says, and don't be meally-mouthed when you come before the Justice. Then we went to Greenwich, and in the Clerk's office, they wanted M'Donald to be bound over to prosecute; he said he could not, for he had a bit of an estate left him in the country, and he could not be there at the time of the Assizes, then the Justice's Clerk was pleased to bind me over. We staid at Greenwich, and had some beer, and were pretty merry till almost nine at night. Coming home together, they let me and Egan go before; Egan swore by the great God, and the sweet Jesus, he would not appear against them at the Assizes.

Affizes. Said I, you are bound over as well as I, and I can't see how you can be off going down; said he, O, by Jesus, it is only changing my parish; it has cost me 3s. to-day, and the breeches may go to the Devil, for I will never appear against them; we parted about ten that night; I went to my quarters; M'Donald told me to come to his house in Union Court; I went about a week after, but could not hear of such a person; I went to the Union-arms, and the landlord knew something of him, and I found he lived in Scroops-court; I went, and asked there for him three or four times, but his woman always told me he was in the country; I saw him once, but that was by mere chance, he was then dodging me, or somebody else, at the end of Parliament-street. I was at the Affizes at Maidstone; when I came there, I could not find any of them, they kept out of my sight, I imagined, for fear I should come in for part of the reward; at last, I happened to meet Egan in the street, and said, what, have you done the thing? (I meant found the bill,) he said, no, we shall not do it this day or two; thinks I I'll watch you; bye-and-bye came Salmon, M'Donald, Egan, and one Serjeant, a Constable; they and I went into the Clerk's office to get the bill of indictment drawn; Berry did not go in, I followed them; when they came in the Clerk said, are you all here? yes, said M'Donald; said the Clerk, there are six of you; said M'Donald there are but five of us; said the Clerk, is there not a drummer? O, said M'Donald, I forgot him. The bill of indictment being prepared, I went to the Cock at Maidstone, there sat Berry;
said

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said he, how do you do Drummer? I did not recollect him presently, till he put me in mind of my enquiring for Salmon at the Elephant and Castle in Kent-street: he asked me, whether I thought those lads would be convicted? I said, it appears very plain against them; he said, if they are not, I must either beg my bread, or go on the highway myself.

Thomas Sergeant. (*He is shewn the tobacco-box.*) I have seen such a one, I made a remark that the unicorn's horn was broke off the box, when M'Donald shewed it me above a year ago; this I see is broke, as that was. His box has been sent to my house many a time to be filled with tobacco; it is near a year ago since I saw it: this is like it. M'Donald shewed it me as a piece of curiosity; saying, here's an old, but curious thing; I said, it is not perfect now, it wants the horn to the unicorn.

Henry Sergeant. I know all the prisoners very well; I was at the taking them all at Maidstone Assizes last. M'Donald said I was a young Constable, and I should have my share of the reward; he should take the money, and he would see me paid.

Q. What reward did he mean?

Sergeant. The subscription money of our parish, for the two lads that were tried; I carried them down.

Q. Did you produce these goods there?

Sergeant. I did; I had them of Justice Bell, who sent for me, I being Constable. The prisoner Berry said, we shall have a good supper if the prisoners are convicted, and if they were not, he thought he must beg his way home.

As

As I was going along the road with Ellis and Kelly to Maidstone, they told me there was one Tom Blee concerned with them in the robbery; where he lived, and what sort of cloaths he wore. I took it down in writting; the Justice desired me to go and take him; I said I would give directions to a Thief-catcher, and applied to Ralph Mitchel, but he refused to act in it.

Q. Was you upon the trial?

Sergeant. I was, and Salmon was a witness, as were likewise Egan and M'Donald.

Q. from Berry. Did you see me concern myself at all in the affair, or was I upon the back of the bill?

Sergeant. No, he was not; he had no business there if he could have trusted his friends with the money; I heard M'Donald and him both say, they would share the reward.

Q. to Blee. You say that Berry gave you a crown, what money was it?

Blee. He gave me a half-crown, and 2s. 6d. that day I went with the lads to Deptford.

Berry's Defence.

On the 25th of July, I was out of town all day, and returned the Sunday following, and staid at home all day, the Sunday Blee tells you he was with me, and I gave him a crown. If your Lordship will indulge me to put it off till next Sessions, then I can bring witnesses to prove he falsely accuses me. I went, on the 5th of August to Bromley fair, I saw Blee with a saddle on his back; he is a pilfering sort of a fellow; I went and took him by the collar, and said I would chastise him. He said, Mr. Berry, I can tell you a great deal if you will

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will not hurt me; I said, tell me where my goods are. I heard on the 12th of August, he was taken up at Greenwich; I went there and took M'Donald with me, on purpose to have charged him with my goods. My son is gone, he has pushed him away, and I have never seen him since, and they would never give me any answer that they had got him; I asked Mr. Sergeant, and he would not tell me; they never took him to give any evidence before the Justice. People may go thieving for ever, if they may get off in this fashion.

M'Donald's Defence.

I was called out about the 30th of July, to go over to the King's-Bench; I met Egan, he desired me to go and take a couple of thieves in Kent-street; I said, what have they done? he said, I believe they have broke open some house, and stole these things. I went with him to the Elephant and Castle in Kent-street, and sent for Salmon, he and Egan came to me; then I went with Egan to the Black-spread-Eagle; there were these two men sitting, I searched one of them, and took these breeches from under their A---s, and from one I took this pocket-piece; after this I said to Salmon, the only way to save expence, is to examine them before Col. Bell; in carrying them down, the least of the two said, I wish could be admitted an evidence; I said, you Dog, where is the rest of you? where is the other fellow? what is his name? this lord Blee lived with me six or seven months, I never knew his name; when he told me my
lord,

lord, I guessed directly; one of them wanted to be admitted an evidence before Justice Bell, but he would not admit either of them. After I heard my lord was taken, I goes down to Greenwich, and went to Mitchel at Deptford, and said, here, Cox has taken the other fellow, Ralph, will you come up and see if he has got him? he was afraid of being upon some warrants, and would not go, so I went to the Colonel myself, the Clerk was there, and he was very ill; he said, Mr. M'Donald, he is not taken, if he was he would be brought to me; after that, I stopped a man that had murdered another at Coventry, I brought him to Hicks's-Hall, and the Justices committed him to New-Prison. The gentlemen told me I must go down to Coventry along with him; I went down to Maidstone, there I said, I would say nothing to the robbery, the Drummer could say as much as I could as to the pocket-piece and tobacco-box. As God Almighty is in Heaven, I know no more of them than your Lordship there; I have taken a great many thieves and ventured my life, and been shot at by them; I never had my name brought in question; I have been offered money to let prisoners go, but never would; I could have had 60*l.* to have done it.

Salmon's Defence.

The fellow that swore I had been at the Bell in company with him has swore false; I never was in company with him in the whole course of my life, nor have I been in that Alehouse these five years.

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Egan's Defence.

Please to ask where the Bell is; I have no knowledge of that man in the world. (Looking at Blee.)

Q. to Berry. Have you any witnesses to call to your character?

Berry. Call Henry Warrington. (*He was called, but did not appear*) I have lived 17 years in the yard where this man, James Price, lives; will you please to call him?

Price. I have known Berry, I believe, five years.

Court. What character can you give him?

Price. A very bad one, my Lord.

Berry. Please to ask him what he can say as a stain upon my character?

Price. It will hurt you if you insist upon it.

Q. to M'Donald. Will you call any witnesses?

M'Donald. There is a man that has known me these nine or ten years, and that I have the best of characters; call Mr. Holewright.

G. Holewright. I believe I have known M'Donald nine or ten years or longer; he never did me any injury in his life; but as for the rest of it, I believe it is bad enough.

Q. to Salmon. Have you any witnesses to call?

Salmon. No, my Lord, I have not had time to send for any.

Q. to Egan. Have you any witnesses to call?

Egan. No, my Lord, none of my acquaintance know I am in trouble.

The Jury found them all four guilty of all the facts charged in the indictment; but whether the facts charged were within the Statutes of the

the 4th and 5th of Philip and Mary, and the 3d and 4th of William and Mary, they knew not, and therefore prayed the assistance of the Court, so it was made special.

This special verdict was afterwards argued by council before the twelve Judges, at Serjeants-inn-hall, in Chancery-lane. Their Lordships being of opinion, that the facts charged were not within the Statutes of the 4th and 5th of Philip and Mary, and the 3d and 4th of William and Mary; an order was given that they should be indicted for a conspiracy, in which the facts with which the prisoners were charged, might be more clearly explained, and they to receive such punishment as might be inflicted on them by law.

Accordingly, Feb. 28, they were again arraigned at the Sessions at the Old-Bailey, in the Mayoralty of Slingsby Bethel, Esq; upon an indictment for combining and conspiring together, that one Thomas Blee should procure two persons, namely, Peter Kelly and John Ellis, to go to Deptford in Kent, and to take divers goods and money from the person of the said Salmon, on the King's highway, who should be waiting there for that purpose; with intent that they should cause the said two persons to be apprehended and convicted for robbing the said Salmon on the King's highway, and so unjustly and wickedly procure to themselves the rewards mentioned in the Act of Parliament, proclamation, and other parochial rewards, for the apprehending of highwaymen, July 24, 1754.

Tom Blee was the chief witness against the prisoners, as he was upon the former trial; and as the evidence he gave upon both was to the

same purport, we shall not trouble the reader with a repetition of it; but only mention one particular which Blee swore in this, that he had omitted in his first evidence; namely, that Berry told him, that when he, Kelly and Ellis robbed Salmon on the Deptford road, he, Berry, lay behind the four mile-stone, and saw the robbery committed.

The prisoners having nothing material to say in their defence, the Jury found them guilty. The sentence pronounced against them by the Court was, to be imprisoned in Newgate for the term of seven years; and in that time, to be each of them set in the Pillory twice, in manner following; M'Donald and Berry, in Holborn, near Hatton-garden; Egan, or Gahagan, and Salmon, in the middle of Smithfield. Afterwards M'Donald and Berry at the end of King-street, Cheapside; and Gahagan and Salmon again in Fleet-street, near Fetter-lane; and at the end of that time, to find sureties for their good behaviour for three years, and to pay a fine of one mark each.

Pursuant to their sentence, M'Donald and Berry, on the 5th of March, stood in the Pillory in Holborn, near Hatton-garden, and were so severely handled by the populace, that it was with the utmost difficulty, that one of the Sheriffs and the keeper of Newgate, who stood in a balcony just by, prevented their being utterly destroyed; and so great was the mob, that the Peace-officers found it impossible to protect the prisoners from their fury.

March 8. Egan, or Gahagan, and Salmon, stood in the Pillory in the Middle of Smithfield Rounds; they were instantly assaulted with show-
ers

ers of oyster-shells, stones, &c. and had not stood above half an hour before Gahagan was struck dead; and Salmon was so dangerously wounded in the head, that it was thought impossible he could recover. Thus, tho' the law could not find a punishment adequate to the horrid nature of their crimes, yet they met with their deserts from the rage of the people.

The Trial of JOHN WILKINSON, for marrying without Licence, July, 1756.

JOHN WILKINSON, Clerk, was indicted, for that he, after the 25th of March, 1754, to wit, on the 25th of November, in the 28th year of his Majesty, at the Savoy, did unlawfully, knowingly, wilfully, and feloniously, solemnize matrimony, between George Drawater, then a batchelor, and Mary Johnston, then a single woman, without first publication of banns, of marriage in that behalf, or without any licence, first had and obtained of a person having authority to grant the same, in contempt of our Lord the King, and against the statute in that case made and provided.

Thomas Shields. I have known George Drawater and Mary Johnston some years; they live in the parish of Christ-church, Surry; they were married at the Savoy; I stood Father, and saw the ceremony performed as in the church of England; it was the 25th of November, 1754, Elizabeth Weeks was there.

Q. Was there any agreement with the minister previous to the marriage?

Shields. I went to Mr. Wilkinson, who now stands at the Bar, to agree for them to be married; we agreed for a guinea; Mr. Wilkinson said, he generally had a guinea and a half; I said, they were poor people's children, and could not afford any more than a guinea; and for that it was done; before they were married, he asked them where they lived? they told him at the Old Barge-house, in Surry; then he asked them their ages; the young man was of age, the young woman was not; their parents were not there.

Q. Did you see a licence?

Shields. I did not see it signed; but I saw what they called a licence, filled up after the marriage.

Cross-examined.

Q. Had they the consent of their parents?

Shields. I have often been in company with her father, and have heard him give his consent; this, I and Elizabeth Weeks declared to Mr. Wilkinson on the Bride's telling him her age, but no affidavit was taken of it.

On the prisoner's producing the licence, his Council takes it in his hand: here, said he, is wrote upon it a memorandum, which shews there was that consent signified; did you look upon it as a lawful marriage, when you was about it?

Shields. Indeed I did; and that Mr. Wilkinson had a right to marry by licence, and that this was a place to be lawfully married at.

Council for the Crown. Before the late Act of Parliament, did you ever know any thing of a marriage there by Mr. Wilkinson without a licence?

Shields.

Shields. No.

Council for the prisoner. Did he not seem to act with the greatest caution?

Shields. He did; and I believe he would not have committed such an act if he had thought it illegal.

Council for the Crown. Before the marriage, what writing did you see signed?

Shields. There was a writing with Mr. Wilkinson's name on it; filled up after the marriage, by Mr. Phillips the clerk.

Mary Weeks. I know George Drawater and Mary Johnstone; they live in the parish of Christ-church, Surry; I was present at their marriage; they were married by the prisoner at the bar; he asked Mary Johnstone her age, she said 19; he asked George Drawater, and he said, 24 or 25; he asked if it was by consent of parents; he answered, yes; he asked where they lived, and they told him, and they were married directly.

Q. Had they a License?

Weeks. They had, by Mr. Wilkinson; there was something wrote in it, but I can't remember what; I went along with them the Sunday before to Mr. Shields's house, to enquire whether such was a lawful marriage; he said, he had heard say it was as lawful a marriage as any in England; and Mr. Shields mentioning it to Mr. Wilkinson, that they were afraid the marriage was not lawful, the doctor said it was as lawful as any marriage in England.

Council for the Crown. We shall now produce some papers sent by the prisoner, which will not only shew that he was not ignorant of what

Trial of JOHN WILKINSON,
 what he was to be tried for, but the Methods he made use of to prevent his coming to trial.

The King against John Wilkinson.

‘ To John Sharp, Esq. Solicitor for the Treasury.

S I R,

Please to take notice, that I will appear next sessions of gaol delivery of Newgate, to be holden for the county of Middlesex, at Justice Hall in the Old Bailey, on Wednesday the 10th day of September next, to take my trial upon three several indictments found against me in May sessions last for felony, and now depending before that court.

I am, Sir,

Your humble servant,

Dated Aug. 13. *John Wilkinson.*

The countermand read, directed to John Sharp, Esq.

‘ The defendant, John Wilkinson, finding
 ‘ it impossible to take his trial at the next ensuing sessions at the Old Bailey, according to his
 ‘ notice of the 13th of August last, as he sincerely intended, from real accidents, the truth of
 ‘ which I know, and which were not in his
 ‘ power to prevent, oblige me to give you the
 ‘ earliest notice of it; and accordingly, Sir, I
 ‘ give you notice, that he cannot surrender
 ‘ himself at the ensuing sessions, but will surrender himself at the sessions of gaol delivery
 ‘ of Newgate, to be holden for the county of
 ‘ Middlesex, at Justice Hall, in the Old Bailey,
 ‘ on Wednesday the 22d of October next, and

‘ take

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' take his trial upon the three several indict-
' ments there depending against him for felony.

I am, Sir,

Your most obedient humble Servant,

E. P. Delaporte.

William Carter. I was Tipstaff to my Lord Chief Justice. I had a warrant against the prisoner at the bar, dated the 17th of May, in the 28th year of the reign, &c. on indictments that were found against him.

Council for the prisoner. We admit that he did absent himself, and of all the endeavours to apprehend him.

Thomas Latter. I live in the Savoy. I have not seen the prisoner there since March 1755, to my knowledge. I am constantly at chapel. Marriages were carried on there, but others officiated for him.

Q. Do you remember a letter you received from him about shutting up the chapel?

Latter. I do, and know this hand-writing.

It is read to this purport.

Directed to Thomas Latter, Turk's Head, in the Strand.

As for your sending for the register, I impute it to your ignorance, but should you dare to padlock the chapel-doors, you may expect a vigorous prosecution. As for your advisor, or indeed your director, I well know, therefore despise them, Yours,

John Wilkinson.

Q.

Q. from the prisoner. I want to know by whose authority you sent to demand the register book of me?

Latter. In the year 1755, Mr. Wilkinson ordered a new register book; as it was not paid for, the person who sold it came to me, I being chapel-warden. I told him I was not certain whether I had a right to pay for it, as it was in the doctor's hands, but said I would enquire about it. I called a vestry to have the consent of the inhabitants, and the people ordered the vestry clerk to write to know if Mr. Wilkinson would deliver up this register or not. If he did, I was to pay for it, and if not he was to pay for it himself, I was told he would not give up any book belonging to the chapel. This was the 10th of October, and on the 15th, I received this note from the doctor's hand.

Prisoner. By whose authority did you act?

Latter. Upon Mr. Gibson's insisting on my paying for the book, I sent for it.

Council for the Crown. Before the late act of parliament, who used to keep the register?

Latter. I really cannot tell. The old register used to be in the old clerk's hands, but after he died the chapel warden used to keep them, till, I believe, about four years ago.

Prisoner. Did you ever know one chapel-warden to make an entry of one marriage, burying, or christening; or whether it is not customary for the minister to keep the register?

Latter. I should think the officers should have it in their power, as well as the minister, to keep the register.

Council.

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Council for the Crown. We will rest it here for the present.

For the Prisoner.

Forrest. I live in the Strand, and have done so for 26 Years, within the precinct of the Savoy, and am a linen draper.

Q. What has been the constant repute of the Savoy precinct, whether it is a peculiar Jurisdiction, or under the power of the bishop of London.

Forrest. I never thought it was subject to any jurisdiction.

Q. Have you served any office in the precinct?

Forrest. I have served all offices. I have been overseer twice, chapel-warden once, and never found they were accountable to any but amongst themselves. I never looked upon the chapel or precinct as subject to the diocesan visitations. None of us was ever called upon to attend upon that jurisdiction.

Q. How have marriages been celebrated there since your time?

Forrest. They have been from time to time by the minister reputed to be so.

Q. What was the repute of granting licences whether they were granted by the minister of the place, or by licences granted by the bishop?

Forrest. I am not a judge of that, because I never saw either. All the time I knew it, it was called a peculiar or exempt jurisdiction.

Cross-examined.

Q. Did you ever hear of probates of wills, or administrations granted there?

Forrest. No; neither did I ever see one marriage solemnized there.

Q. Is this a parish?

Forrest. No, it is a precinct, and a royal chapel, as I understand.

Q. Did you ever hear of any officer of the chapel, that had a seal of office?

Forrest. I have heard so, but never saw him, I have heard of the dutchy seal of Lancaster.

Q. Did you, or did you not hear of a seal kept by an officer for the probates of wills?

Forrest. I have.

George Dorman. I live in Cecil-street, which is in the precinct of the Savoy. I always understood it was a peculiar, exempt jurisdiction; I never understood the bishop of London had any jurisdiction there; and always thought the minister had a right to marry there.

Q. What was the former constitution of the place, whether there was any other officer as to probates of wills and the like?

Dorman. No, not as I know of.

Q. Do you know of any marriage there before the late act of parliament?

Dorman. I know of one about 26 years ago, by a licence from the bishop of London.

Q. Did you imagine the bishop of London had any right there?

Dorman. No; and this was the common repute of the neighbours when I came there first; neither have I known the clergyman ever brought into the ecclesiastical court. Mr. Wilkinson was there before I came.

Q.

Q. Where are the wills proved?

Derman. At the commons, and administrations are likewise granted there.

Q. You say the marriage you saw there so long ago was by licence; in whose time was it?

Dorman. It was in Mr. Wilkinson's time, and performed by himself.

Q. Have you a church rate?

Dorman. We have none; we have a poor's rate; we maintain our own poor.

Thomas Chease. I have lived twelve years in the precinct of the Savoy, under Exeter Change, and have lived near there 27 years.

Q. What has been your opinion of that place as to its common repute, whether it was looked upon as a peculiar jurisdiction exempt from the diocese of London?

Chease. It was looked upon to be a distinct place of itself. I remember the king's letter being ordered to be read in the chapel, (I believe about ten years ago) and a collection to be made there, and also from house to house; I was in office then, and paid it into the chamber of London. When the king's bounty was distributed, there was nothing allowed to the Savoy, upon which I desired Dr. Wilkinson to write to the bishop of London, which he did, and the bishop sent a letter, specifying that it was out of his jurisdiction, and he could do nothing in it.

Council for the Crown. Was there a collection at that time in all the parishes?

Chease. There was, and it was to be distributed to every parish; we paid in our collection, and expected the same as another place. This letter confirmed the common repute as well as my own opinion.

Council for the Prisoner. How long have you known Dr. Wilkinson?

Cheafe. I have known him 27 or 28 years. I never knew him behave otherwise than as became a minister of the church of England; he always did his duty, and is as capable of it as any man. I never heard any ill of him.

Council for the Crown. Did you ever know any probates of wills there?

Cheafe. No, nor Administrations.

Q. Before the late act of parliament, did you ever hear of a marriage there by licence?

Cheafe. I can't say I ever saw a marriage there either before or since.

Q. Are you the man that made the affidavit concerning Mr. Wilkinson?

Cheafe. I am, but not with regard to his behaviour.

Q. What! not that he was a drunken man?

Cheafe. No, it was quite a different thing.

Q. Was it nothing about the bell?

Cheafe. There was a change of one bell for another.

Q. Did not you complain about his taking the bell from the chapel?

Cheafe. Not in that affidavit.

Richard Philips. [*A Parchment is put into his hand.*] This is the license by which George Drawater and Mary Johnson were married. It was wrote before they were married, and read to them, and they consented to it; and it was required of them to make affidavit with regard to the consent of their parents,

Q.

Q. Look at the memorandum on the back of it.

Philips. This was wrote by me at the same time. It purports the consent of the parents. This was wrote about an hour after the marriage. Mr. Shields and a woman were present, and they declared the parents consented, upon Mr. Wilkinson's asking that question. I have been about six years clerk of the chapel.

Q. Have you heard any account of what was the nature of the Savoy precinct?

Philips. I always heard it was a royal jurisdiction, and exempt from the bishop of London, before I was there; and when I went there I became better acquainted with it.

Q. Do you know of any licenses granted before the late act of parliament?

Philips. I do, of a great many; and I had the opportunity of inspecting the old register.

Q. Before the time you came there, did there not appear to be several marriages, and the licences granted by Mr. Wilkinson?

Philips. Yes; and I thought he had a power to do so, because done in a public manner.

Q. Did you ever hear Mr. Wilkinson was threatened by the diocesan court or commons for granting licenses?

Philips. Never; nor did I ever hear that any of the surrogates were acquainted with this act of marrying with licenses.

Cross-examined.

Council for the Crown. Were the licenses always wrote before the marriage?

Philips. Always. When marriages were performed by somebody else, the licenses were left with me, or the minister; they were always wrote and signed by him before the marriage was solemnized; blanks were left for the names.

Q. Then after the marriage, did or did you not fill up the blanks?

Philips. Always before the marriage.

Q. Were they not filled up in the vestry afterwards?

Philips. How could that be?

Q. Did not you prove that on which Grier-son was convicted was filled up an hour afterwards in the vestry?

Philips. No.

Q. Upon the oath you have taken, was this blank filled up before the ceremony or after?

Philips. Before; I remember this very thing very well; I am positive of it; I read it over to them.

Q. How many marriages were solemnized at the Savoy, between passing the late act of parliament, and the indictments against the prisoner being found?

Philips. About 1400. There were a great many married for nothing.

Q. How many of them might be inhabitants within the precinct of the Savoy?

Philips. I can't tell. A great many qualified themselves by living there. Out of the precinct, I conclude there were about 900 came out of the country big with child. The precinct is not a large place; there may be about forty families in it.

Q. Did you ever know a probate of a will granted there in your time?

Philips.

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Philips. No, nor administration.

Q. Have you known any marriage in your time by licence from the Bishop of London?

Philips. There have been some few.

Q. Can you pitch upon a particular act of one licence, before making of the late Act of Parliament, granted by him?

Philips. There are a couple, but I have them not about me. I believe there are two here, but I do not know who has them.

Q. Where is your Register-book?

Philips. It is here.

Q. Were these by licence from the Bishop of London?

Philips. Yes, and Mr. Wilkinson married them.

Mary Williams. I was born in the year 1700. I am daughter to Mr. Syngé, minister of the Savoy.

Q. Did you ever see him marry any people by his own licence?

Williams. I have seen him marry numbers in that manner. He married most by his own licences. People have come with licences from the Commons, and he did not refuse to marry them.

Q. Were the licences stamped?

Williams. They were, upon parchment, and I have seen my father write on them, and fill them up. This he did openly; and I never heard he met with any animadversion from the Bishop or Surrogates.

Q. How many years was this ago?

Williams. He has been dead about 30 years. Mr. Wilkinson buried him; he was reader to one Mr. Parry, who committing a great many

misdemeanours was taken out of the Savoy, and my father succeeded him.

Cross-examined.

Q. Was your father minister of the Savoy immediately before Mr. Wilkinson?

Williams. He was, and was minister 16 years; I don't mean appointed by the Treasury.

Council for the Crown. You are certainly mistaken; Dr. Pratt was first; Dr. Parry succeeded him, and Dr. Wilkinson succeeded Parry.

Wilkinson. My father called himself the minister; he acted in Dr. Parry's time. As he died in low circumstances, my mother went to have her papers signed for her pension, and Parry said her husband was not the minister.

Council for the Prisoner. Now we'll shew you two other licences, if the court will please to read them.

Q. to *Philips.* Were these executed at the time of the marriage, and the time they bear date?

Philips. They were; but I was not present at the time of the first, that was before my time; one I can prove.

It is read to this Purport.

Whereas Thomas Shelham, aged 25 years, of the parish of St. George Middlesex, and Ann Sympson 25 ditto, of St. Paul, Shadwell, Spinster, were very desirous to enter into the holy state of matrimony, &c. May 1, 1752.

*Witness, John Wilkinson,
Ordinary and Minister."*

Then the council for the prisoner produced the copy of the letter patent of Philip and Mary, which was read in latin.

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Council for the Crown. There is not a word of jurisdiction in it.

To his Character.

Capt. James Jones. I am Captain in the third Regiment of Guards, and have known Mr Wilkinson about 14 years. His general character is that of a gentleman, and an excellent preacher in his profession. I have known, when there has been a soldier who has not been able to pay for burying or christening their children, that he has chearfully done it, and attended them in their and their wives sickness; for which he has no salary; neither did I ever hear he was a disaffected person.

Capt. Haywood. I have known him about 11 or 12 years; he is my next door neighbour. He always behaved in a good manner; I loved to go and hear him; he behaved well to me. As to other affairs I have nothing to say to them. I never had any dispute with him. I never heard any body say amiss of him.

Richard Townshend. I have known him 14 or 15 years, and I never heard any thing amiss of him; he always behaved well in the church, and did his duty as well as any gentleman of the function.

James Bailey, Daniel Nicholson, William Kitchen, John Meredith, all living in the Savoy, or in the precinct, gave him an extreme good character, both as to the church and religion.

Mr. Wilson. I have lived in the Savoy about 35 years, and have know Dr. Wilkinson ever since he has been there. As to his character as a clergyman of the Church of England, I can't say it has been extraordinary; I believe his character is but indifferent.

John

John Day. I have known him 16 years, and never knew any thing ill of him; he is a very good preacher.

James Peate, and John Johnson, one had known him eleven years, and the other twenty, and both affirmed him to be a very good christian, and a very good man in the church.

Mr. Delaporte. Mr. Wilkinson told me, that Mr. Brooks, his former attorney, had used him very ill. He had received 60 guineas in order to defend him; upon which an action was brought against Mr. Brooks. There was a motion made in the Court of Common Pleas, which application took up two terms; there was a rule made, and my Lord Chief Justice ordered Mr. Brooks to return 40 guineas and pay the cost, upon seeing the extravagancy of the bill. Mr. Wilkinson always declared himself ready to surrender, as soon as ever he got his papers out of Mr. Brooks's hands. (*He takes a paper in his hand.*) I received this order the 24th of Feb. and made enquiry about the outlawry. This is the substance of what I took from the Sheriffs books for the County of Middlesex; I found the outlawry would not be compleated till September, so I advised him not to surrender till then.

Q. Could he have been prepared with his defence before?

Delaporte. Yes, I believe he could last Sessions; that he did not surrender was by my advice; Mr. Serjeant Davey having been retained for him, and not being able to attend this Court, was the reason he did not take his trial then.

Q. How long have you been concerned for him?

Delaporte.

Delaporte. But a little before I gave notice to Mr. Sharp, which was in August, 1755.

Q. What papers have been this day used that were in the hands of Mr. Brooks?

Delaporte. Not one, I thought there were some material ones.

Prisoner. A brief could not have been formed, had I not been served with every paper which I can now produce; my whole brief is an extract from papers. When I came from abroad, I expected my brief was prepared, and was for giving notice of trial. I did not see my attorney for six weeks after, and he secreted my papers; I was told by gentlemen, I should not have a brief prepared in 12 months; so I went to this gentleman, Synge was minister to the Savoy, but Dr. Pratt was not; where the new church stands now, there it was the inhabitants met; Dr. Pratt was lecturer, and preached always in the afternoon, and the Lords of the Treasury never once appointed him minister. I have now eight years in Arrear, and am 500l. out of pocket. The Lutheran Minister (I speak feelingly) shall receive 40l. a year, the Quakers Meeting shall be chearfully repaired, but the Church of England Chapel is scarce fit for a stable. I know, my Lord, what is the foundation and the bitterness of this prosecution;---because I know too much of the tricks of some people; I know how this arises; there are estates appropriated for this use, but they are sunk, and become the subjects of rapine and plunder. I married this way occasionally for 28 years, that woman's father was minister, and I lived in the house with them. As to 1400 couple, I don't know how the Clerk came to make that blunder; I have not married

married 1400 in 30 years. This woman was confounded, and could not distinguish Minister from Lecturer. I acquainted Mr. Sharp, that if he would pay me the 1300l. I would quit the place. This prosecution has been carried on with the most unrelenting malice. I acquainted the Archbishop of Canterbury, I was willing to give up all, on having my Arrears paid. Murder has been bailed, treason has been bailed, but I could not be bailed.

Council for the Crown. You never surrendered.

Prisoner. I knew the consequence of that too well.

Council for the Crown. They have brought it down only to the year 1724, of a marriage by licence from the Bishop of London; I directed search to be made in the Office for granting licences, and there are a vast number of licences for marriages in the Savoy by the Bishop of London, and the Bishop of Canterbury.

John Herring. He produced a book. This is the original book of allegations for licences in the Bishop of London's Office.

He reads several, beginning Feb. 25, 1722, and so carried on to the year 1750, each praying to solemnize marriage in the Savoy.

Philip More produced a book. This is a volume of allegations for licences, that I brought from the Vicar General's Office, belonging to the Archbishop of Canterbury.

One is read, dated March 27, 1655, where marriage is prayed to be solemnized at St. Mary le Savoy.

Council for the Prisoner. Are there licences always granted in consequence of these allegations?

Herring.

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Herring. No doubt of that, it is done every day.

Q. Were the couples all married in consequence thereof?

Herring. I don't know that.

Q. What was your direction to search for marriages, at St. Mary in the Savoy, or St. John Baptist's?

Herring. I know every Church and Chapel in London, and know there is but one in the Savoy; I take them to be one.

Q. Whether you don't know there is a secret place that is called by the name of St. Mary le Savoy, distinct from the Chapel of St. John Baptist?

Herring. There is not.

Q. How long have you belonged to that office?

Herring. I have be'onged to it above 20 years; we make these entries at the time the licence is granted.

Another allegation was read, dated Feb. 1740.

Q. *to Philip More.* Are there many in your book, where marriage is prayed to be solemnized at St. Mary le Savoy, or St. John Baptist in the Savoy?

More. Here is a list of upwards of 200 of them, from the 9th of February 1675, to the year 1741, some in every year; here is one where the couple are both inhabitants of the precinct, and to be married only in that place; and hundreds of others that lived in different places, to be married only in that place; sometimes it is called the parish Church of St. Mary le Savoy. Guilty. To be transported for 14 years.

The

The Trial of EUGENE ARAM, *for Murder.*

AT the Assizes held for the County of York, Aug. 3. 1759, RICHARD HOUSEMAN, EUGENE ARAM, and HENRY TERRY, were indicted for the murder of Daniel Clarke, in the night between the 7th and 8th of Feb. 1744-5.

Richard Houseman was first tried, but the evidence not being sufficient to convict him, he was acquitted.

Now, all accessaries, or accomplices, in murder, in the eye of the law, are deemed principals; and though the court were convinced, from various circumstances in his trial, that Houseman was, some way or other concerned in the fact, yet as there was no direct proof of it, the Jury could not find him guilty. Being thus acquitted, he was entirely at liberty to give his evidence against Eugene Aram, the principal, who actually committed the murder. The court accordingly admitted him as a witness, and he was sworn to speak the truth.

Richard Houseman then gave his evidence, but with such caution and reluctance, that it was plain that mere necessity obliged him to accuse a man of a crime, in which himself had too near a concern. Besides, he was fearful, lest he should involve himself in what he should declare against the partner of his iniquity, and by confessing the fact, which could not be proved against him on his own trial, he should lay himself open to the law, and be again questioned

for

for the crime of which he had been already acquitted: so that he could not give his evidence with that fulness and clearness, as a person quite disinterested would have done.

He was first asked, whether he knew Daniel Clarke of Knaresborough; how long since he was acquainted with him; and whether he could tell any thing concerning the manner of his death?

Houseman answered, that he knew Daniel Clarke very well; that he had been acquainted with him some years before his death, which happened in the beginning of the year 1745.

The Court then asked him, if he did not know in what manner Clarke came by his death; if he did not know or believe he was murdered, and by whom? and particularly whether he was not killed by the prisoner at the bar?

To this Houseman answered, though with a trembling voice, and a visible confusion in his face, that since he was under the sanction of an oath to speak the truth, he would no longer burden his conscience with the concealment of facts, which ought long since to have seen the light, and been punished with the utmost rigour of the law. That 'tis true, that in accusing Aram he could not entirely acquit himself; yet, since it was the will of Heaven that this murder should be discovered, after it had been so long buried in oblivion, he would no longer oppose it, by endeavouring to stifle the knowledge of so heinous a crime, or screen the guilty from the stroke of justice. That he did very well remember the time, manner, and occasion of Clarke's death; that it happened in the night between the 7th and 8th of Feb. 1744-5, in

this manner, *viz.* After passing above two hours to and fro between their several houses in consulting by what ways and means to dispose of various goods which Clarke had in his possession, and to settle some notes relating thereto, Aram, the prisoner, proposed first to Clarke, and then to him the witness, to take a walk out of town. This was agreed to, and accordingly they walked into a field at a little distance from the town, where there is a cave, well known in that country by the name of St. Robert's cave. That when they came into the said field, Aram and Clarke went over the hedge towards the cave; and being come within six or eight yards of it, he saw Aram strike Clarke several times; and at last saw him fall, but never saw him afterwards.

The Court then asked him, what instrument or weapon it was with which Aram struck Clarke?

Houseman replied, that he saw no weapon or instrument in his hand, and did not know that he had any, so far as he could see at the distance he was from them, and it being likewise in the night, he could not swear positively to a fact, of which he was not very certain. That he did not interpose, or any way strive to prevent the perpetration of this horrid crime; nor did he make any noise, call out, or cause an alarm to be made, in order to apprehend the criminal, and bring him to justice.

Upon which the Court asked him why he did not afterwards make a discovery, since he could not but know, that he was bound in duty both to his country and to public justice;

to bring such a notorious offender to condign punishment?

His answer was, that Aram threatened to take away his life, if he made any discovery.

From a view of Houseman's evidence, it is not improbable to suppose, that Clarke's death was previously concerted between them; and that their end in perpetrating it was, to make themselves entirely masters of all the goods in Clarke's possession. This appears plain enough from their settling and adjusting their accounts at home, and then persuading the unhappy man to take a walk in the fields in the night.

In order to corroborate Houseman's evidence, by other concurring circumstances, several other witnesses were called. The first was the man (whose name we do not recollect) who made the first discovery.

He deposed, that in digging for lime-stone, near the place called St. Robert's Cave, he found the bones of a human body. Wondering how this should come to pass, and why a body should be buried in such a lonely place, he began to suspect that some person had been murdered and buried there, the better to conceal it from the knowledge of the public. On his return to town he told several persons of the affair; so that at length it became the subject of common conversation. This occasioned various conjectures and suspicions: and among the rest it was remembered, that about fifteen years ago, one Daniel Clarke had absented himself all of a sudden, and had never been seen nor heard of since. Upon this some of them recollected, that they had heard a woman in the town de-

clare, that she had it in her power to hang her husband (who had been absent from her several years) and some others in that neighbourhood.

Other witnesses were then called to prove, that Daniel Clarke did buy upon credit, and likewise borrow among his friends and acquaintance, a large quantity of silver plate, jewels, watches, rings, &c. One, that he sold him a large silver tankard, another a silver pepper-box, milk-pot, saucers, spoons &c. pretending, that a merchant of London had sent him an order to buy as much silver plate as he could, it being designed for exportation. And as they knew Clarke very well, they had no reason to suspect his veracity, his character as an honest man having never been called in question. They therefore gave him the credit he desired, upon his promise, that he would pay for the goods as soon as he should have a remittance from the merchant, which would be as soon as he received them.

As to those whose watches, or other curiosities he borrowed, he pretended it was only to take patterns of them for the best fashions, by which he might direct the making of others, which some gentlemen of his acquaintance had ordered him to get finished in the best and newest mode. They having no reason to suspect him of any ill design, made no scruple to oblige him with what he wanted.

All of them agreed in this, that none of them had the least suspicion of his intention to defraud them, till his sudden disappearance in the month of February, 1744-5. Then indeed they all concluded he was gone off with their effects,

effects, and that he had laid this scheme for that very purpose; and as he had never been heard of since that time, it was the general opinion he was gone a voyage to some foreign country, in order to dispose of those goods he had so wickedly defrauded them of.

This was the substance of the evidence given by these witnesses; which, though only circumstantial, yet was sufficient to corroborate that given by Houseman, who only was witness to the fact itself, and saw the prisoner commit the murder.

From the whole it manifestly appeared, and the Court and Jury were entirely satisfied, that the bones of the human body, which were found in the obscure place above-mentioned, was the body of Daniel Clarke, who had been murdered, and there buried by Eugene Aram, the prisoner, at the time, and in the manner specified in the indictment.

Aram, indeed, asked the witnesses several questions, to try if, by their answers, he could invalidate their evidence: but they were all uniform and consistent with each other and with themselves. Particularly as to Houseman, Aram desired he might be asked how he could be so positive as to swear that he saw him strike Clarke, when he himself allows that this was all done in the night, in the depth of Winter, in the month of February, when every body knows the nights are very dark?

To this Houseman answered, that though this was done in the night, yet the Moon was then up, and though by the interposition of clouds, she did not give much light, yet it was light enough to distinguish objects at

a small distance, though not very distinctly, and he could see by the motion of his hand, that he was striking Clarke, though he could not perceive the weapon with which he struck him.

Aram then desired he might be asked, at what distance he was from him, when he saw him strike Clarke?

Houfeman answered, that to the best of his judgment and recollection, he believes that Aram and Clarke were about ten or a dozen yards on the other side of the hedge when he saw him strike Clarke, who fell under his blows.

Another question Aram desired might be put to Houfeman was, why he did not go over the hedge into the field along with him and Clarke, since they came out together, and had no business to talk of but what concerned them all?

This was a shrewd question, a true and direct answer to which might possibly have affected the witness too much; to say that he knew what Aram's design was, and that he staid behind on purpose to give him an opportunity to effect what he was about, would have been to confess himself an accessory. And therefore he humbly hoped, the court would not oblige him to answer a question, the answer to which might imply an accusation of himself, and might have a tendency to bring his own life in danger. And the court, who saw plainly enough through the tendency of the question, freed him from the embarrassment, by giving him the liberty not to answer it, if he foresaw that by it he should be

be forced to accuse himself, which the law obliges no man to do.

The prisoner was then asked if he had any witnesses, or whether he had any thing to offer in his own defence?

Aram answered, that it was impossible for him, after so long an interval as had passed since the commission of the fact with which he was charged to produce any witnesses in his justification. That those who could have been of use to him on this occasion, were either dead, or so dispersed about the kingdom that he knew not where to find them; but hoped the court would consider, that all the evidence against him was no more than circumstantial, except that of Houseman, who, it plainly appeared, was an accessory to the fact, tho' he had been acquitted; and therefore submitted it to the court, whether his evidence ought to be of any weight with the jury.

The jury found him Guilty. *Death*; but acquitted Ferry, against whom the proof was not sufficient to fix the crime upon him.

The defence which Aram read in court, being more artful and in better language than is often heard under criminal prosecutions, we have here given it.

‘ My lord,

‘ I know not whether it is of right, or through
‘ some indulgence of your lordship, that I am al-
‘ lowed the liberty at this bar, and at this time, to
‘ attempt a defence; incapable, and uninstructed,
‘ as I am to speak. Since, while I see so many
‘ eyes upon me, so numerous and awful a con-
‘ course, fixed with attention, and filled with

‘ I know

‘ I know not what expectancy, I labour not with
 ‘ guilt, my lord, but with perplexity. For hav-
 ‘ ing never seen a court but this, being wholly
 ‘ unacquainted with law, the customs of the
 ‘ bar, and all judiciary proceedings, I fear I shall
 ‘ be so little capable of speaking with propriety
 ‘ in this place, that it exceeds my hope, if I shall
 ‘ be able to speak at all.

‘ I have heard, my lord, the indictment read,
 ‘ wherein I find myself charged with the highest
 ‘ crime; with an enormity I am altogether in-
 ‘ capable of; a fact, to the commission of which
 ‘ there goes far more insensibility of heart, more
 ‘ profligacy of morals, than ever fell to my lot.
 ‘ And nothing possibly could I have admitted a pre-
 ‘ sumption of this nature, but a depravity, not
 ‘ inferior to that imputed to me. However, as
 ‘ I stand indicted at your lordship’s bar, and
 ‘ have heard what is called evidence induced in
 ‘ support of such a charge, I very humbly solicit
 ‘ your lordship’s patience, and beg the hearing
 ‘ of this respectable audience, while I, single and
 ‘ unskilful, destitute of friends, and unassisted by
 ‘ council, say something perhaps like argument,
 ‘ in my defence. I shall consume but little of
 ‘ your lordship’s time; what I have to say will
 ‘ be short, and this brevity, probably, will be
 ‘ the best part of it; however, it is offered with
 ‘ all possible regard, and the greatest submission
 ‘ to your lordship’s consideration, and that of this
 ‘ honourable court.

‘ First my lord, the whole tenor of my con-
 ‘ duct in life contradicts every particular of this
 ‘ indictment. Yet I had never said this, did not
 ‘ my present circumstances extort it from me,
 ‘ and seem to make it necessary. Permit me
 ‘ here,

‘ here, my lord, to call upon malignity itself;
 ‘ so long and cruelly busied in this prosecution;
 ‘ to charge upon me any immorality, of which
 ‘ prejudice was not the author. No, my lord,
 ‘ I concerted not schemes of fraud, projected no
 ‘ violence, injured no man’s person or property.
 ‘ My days were honestly laborious, my nights in-
 ‘ tensely studious. And I humbly conceive, my
 ‘ notice of this, especially at this time, will not
 ‘ be thought impertinent, or unseasonable;
 ‘ but, at least, deserving some attention: because,
 ‘ my lord, that any person, after a temperate
 ‘ use of life, a series of thinking and acting re-
 ‘ gularly, and without one single deviation from
 ‘ sobriety, should plunge into the very depth of
 ‘ profligacy, precipitately and at once, is altoge-
 ‘ ther improbable and unprecedented, and abso-
 ‘ lutely inconsistent with the course of things.
 ‘ Mankind is never corrupted at once; villainy
 ‘ is always progressive, and declines from right,
 ‘ step after step, till every regard of probity is
 ‘ lost, and every sense of all moral obligations
 ‘ totally perishes.

‘ Again, my lord, a suspicion of this kind,
 ‘ which nothing but malevolence could enter-
 ‘ tain, and ignorance propagate, is violently op-
 ‘ posed by my very situation at that time, with
 ‘ respect to health: For, but a little space before,
 ‘ I had been confined to my bed, and suffered
 ‘ under a very long and severe disorder, and was
 ‘ not able, for half a year together, so much as
 ‘ to walk. The distemper left me indeed, yet
 ‘ slowly and in part; but so macerated, so en-
 ‘ feebled, that I was reduced to crutches; and
 ‘ was so far from being well about the time I
 ‘ am charged with this fact, that I never to this
 ‘ day

‘ day perfectly recovered. Could then a person
 ‘ in this condition take any thing into his head
 ‘ so unlikely, so extravagant? I, past the vigour
 ‘ of my age, feeble and valetudinary, with no
 ‘ inducement to engage, no ability to accomplish,
 ‘ no weapon wherewith to perpetrate such a fact;
 ‘ without interest, without power, without mo-
 ‘ tive, without means.

‘ Besides, it must needs occur to every one,
 ‘ that an action of this atrocious nature is never
 ‘ heard of, but, when its springs are laid open,
 ‘ it appears that it was to support some indo-
 ‘ lence, or supply some luxury, to satisfy some
 ‘ avarice, or oblige some malice; to prevent
 ‘ some real, or some imaginary want: Yet I
 ‘ lay not under the influence of any one of these.
 ‘ Surely, my lord, I may consistent with both
 ‘ truth and modesty, affirm thus much; and
 ‘ none who have any veracity, and knew me,
 ‘ will ever question this.

‘ In the second place, the disappearance of
 ‘ Clark is suggested as an argument of his being
 ‘ dead: but the uncertainty of such an in-
 ‘ ference from that, and the fallibility of all
 ‘ conclusions of such a sort, from such a cir-
 ‘ cumstance, are too obvious, and too notorious,
 ‘ to require instances: yet, superseding many,
 ‘ permit me to produce a very recent one, and
 ‘ that afforded by this castle.

‘ In June, 1757, William Thompson, for all
 ‘ the vigilance of this place, in open day light,
 ‘ and double ironed, made his escape; and, not-
 ‘ withstanding an immediate enquiry set on foot,
 ‘ the strictest search, and all advertisement, was
 ‘ never seen or heard of since. If then Thomp-
 ‘ son got off unseen, through all these difficul-
 ‘ ties,

'ties, how very easy was it for Clark, when none
'of them opposed him? but what would be
'thought of a prosecution commenced against
'any one seen last with Thompson.

'Permit me, next, my lord, to observe a little
'upon the bones which have been discovered.
'It is said, which perhaps is saying very far, that
'these are the skeleton of a man. It is possible
'indeed it may : but is there any certain known
'criterion, which incontestibly distinguishes the
'sex in human bones? let it be considered, my
'lord, whether the ascertaining of this point
'ought not to precede any attempt to identify
'them.

'The place of their depositum too claims
'much more attention than is commonly bestow-
'ed upon it: for, of all places in the world,
'none could have mentioned any one, wherein
'there was greater certainty of finding human
'bones than a hermitage: except he should
'point out a church yard: hermitages, in time
'past, being not only places of religious retire-
'ment, but of burial too. And it has scarce
'or never been heard of, but that every cell now
'known, contains, or contained, these relicts of
'humanity; some mutilated, and some entire.
'I do not inform, but give me leave to remind,
'your lordship, that here sat solitary sanctity,
'and here the hermit, or the anchoress, hoped
'that repose for their bones, when dead, they
'here enjoyed when living.

"All this while, my lord, I am sensible this
is known to your lordship, and many in this
court, better than I. But it seems necessary to
my case that others, who have not at all, per-
haps, adverted to things of this nature, and may
have

have concern in my trial, should be made acquainted with it. Suffer me then, my lord, to produce a few of many evidences, that these cells were used as repositories of the dead, and to enumerate a few, in which human bones have been found, as it happened in this in question; lest, to some, that accident might seem extraordinary, and, consequently, occasion prejudice.

1. "The bones, as was supposed, of the Saxon St. Dubritius, were discovered buried in his cell at Guy's cliff near Warwick, as appears from the authority of Sir William Dugdale.

2. "The bones, thought to be those of the anchoress Rosia, were but lately discovered in a cell at Royston, entire, fair, and undecayed, though they must have lain interred for several centuries, as is proved by Dr. Stukely.

3. "But our own country, nay, almost this neighbourhood, supplies another instance: for in January, 1747, was found, by Mr. Stovin, accompanied by a reverend gentleman, the bones in part, of some recluse, in the cell at Lindholm, near Hatfield. They were believed to be those of William of Lindholm, a hermit who had long made this cave his habitation.

4. "In February, 1744, part of Woburn abbey being pulled down, a large portion of a corpse appeared, even with the flesh on, and which bore cutting with a knife; though it is certain this had lain above 200 years, and how much longer is doubtful; for this abbey was founded in 1145, and dissolved in 1538 or 9.

“ What would have been said, what believed, if this had been an accident to the bones in question ?

“ Farther, my lord, it is not yet out of living memory, that a little distance from Knareborough, in a field, part of the manor of the worthy and patriot baronet, who does that borough the honour to represent it in parliament, were found, in digging for gravel, not one human skeleton only, but five or six deposited side by side, with each an urn placed at its head, as your lordship knows was usual in antient interments.

“ About the same time, and in another field, almost close to this borough, was discovered also, in searching for gravel, another human skeleton ; but the piety of the same worthy gentleman ordered both the pits to be filled up again, commendably unwilling to disturb the dead.

“ Is the invention of these bones forgotten, then, or industriously concealed, that the discovery of those in quest o may appear the more singular and extraordinary ? whereas, in fact, there is nothing extraordinary in it. My lord, almost every place conceals such remains. In fields, in hills, in highway sides, in commons, lie frequent and unsuspected bones. And our present allotments for rest for the departed, is but of some centuries.

“ Another particular seems not to claim a little of your lordship’s notice, and that of the gentlemen of the jury ; which is, that perhaps no example occurs of more than one skeleton being found in one cell : and in the cell in question was found but one ; agreeable, in this,

‘ to the peculiarity of every other known cell in
 ‘ Britain. Not the invention of one skeleton,
 ‘ then, but of two, would have appeared sus-
 ‘ picious and uncommon.-----

‘ But it seems another skeleton has been dis-
 ‘ covered by some labourer, which was full as
 ‘ confidently averred to be Clark’s as this. My
 ‘ lord, must some of the living, if it promotes
 ‘ some interest, be made answerable for all the
 ‘ bones that earth has concealed, and chance ex-
 ‘ posed? and might not a place where bones
 ‘ lay, be mentioned by a person by chance, as
 ‘ well as found by a labourer by chance? or, is
 ‘ it more criminal accidentally to name where
 ‘ bones lie, than accidentally to find where they
 ‘ lie?

‘ Here too is a human skull produced, which
 ‘ is fractured; but was this the cause, or was
 ‘ it the consequence of death; was it owing
 ‘ to violence, or was it the effect of natural de-
 ‘ cay? if it was violence, was that violence be-
 ‘ fore or after death? My lord, in May 1732,
 ‘ the remains of William, lord archbishop of
 ‘ this province, were taken up, by permission, in
 ‘ this cathedral, and the bones of the skull were
 ‘ found broken; yet certainly he died by no vio-
 ‘ lence offered to him alive, that could occasion
 ‘ that fracture there.

‘ Let it be considered, my lord, that, upon
 ‘ the dissolution of religious houses, and the
 ‘ commencement of the reformation, the ravages
 ‘ of those times both affected the living and the
 ‘ dead. In search after imaginary treasures,
 ‘ coffins were broken up, graves and vaults dug
 ‘ open, monuments ransacked, and shrines de-
 ‘ molished; and it did, about the beginning of the
 ‘ reign

of queen Elizabeth. I entreat your lordship
suffer not the violences, the depredations, and
the iniquities of those times, to be imputed to
this.

Moreover, what gentleman here is ignorant that Knaresborough had a castle; which, though now a ruin, was once considerable both for its strength and garrison. All know it was vigorously besieged by the arms of the parliament: at which siege, in sallies, conflicts, flights, pursuits, many fell in all the places round it; and where they fell were buried; for every place, my lord, is burial earth in war; and many, questionless, of these, rest yet unknown, whose bones futurity shall discover.

I hope, with all imaginable submission, that what has been said will not be thought impertinent to this indictment; and that it will be far from the wisdom, the learning, and the integrity of this place, to impute to the living what zeal in its fury may have done; what nature may have taken off, and piety interred; or what war alone may have destroyed, alone deposited.

As to the circumstances that have been rak'd together, I have nothing to observe; but that all circumstances whatsoever are precarious, and have been but too frequently found lamentably fallible; even the strongest have failed. They may rise to the utmost degree of probability; yet are they but probability still. Why need I name to your lordship the two Harrisons recorded by Dr. Howel, who both suffered upon circumstances, because of the sudden disappearance of their lodger, who was

' in credit, had contracted debts, borrowed
 ' money, and went off unseen, and returned a
 ' great many years after their execution. Why
 ' name the intricate affair of Jaques du Moulin,
 ' under king Charles II. related by a gentleman
 ' who was council for the crown: and why
 ' the unhappy Coleman, who suffered innocent,
 ' tho' convicted upon positive evidence, and
 ' whose children perished for want, because the
 ' world uncharitably believed the father guilty.
 ' Why mention the perjury of Smith, incau-
 ' tiously admitted king's evidence; who, to screen
 ' himself, equally accused Faircloth and Loveday
 ' of the murder of Dunn; the first of whom,
 ' in 1749, was executed at Winchester; and
 ' Loveday was about to suffer at Reading, had not
 ' Smith been proved perjured, to the satisfaction
 ' of the court, by the surgeon of the Gosport
 ' hospital.

' Now, my lord, having endeavoured to shew
 ' that the whole of this process is altogether
 ' repugnant to every part of my life; that it is
 ' inconsistent with my condition of health about
 ' that time; that no rational inference can be
 ' drawn, that a person is dead who suddenly
 ' disappears; that hermitages were the constant
 ' repositories of the bones of the recluse; that the
 ' revolutions in religion, or the fortune of war,
 ' has mangled, or buried, the dead; the con-
 ' clusion remains perhaps, no less reasonably
 ' than impatiently wished for. I, last, after a
 ' year's confinement, equal to either fortune,
 ' put myself upon the candor, the justice,
 ' and the humanity of your lordship, and
 ' upon yours, my countrymen, gentlemen of the
 ' jury.'

Being

Being returned to the prison, he could not be prevailed upon to make any other confession, than that he justly deserved the punishment which the law had denounced against him. And in the morning of execution, the keeper going to his cell, to bring him out, found him almost expiring, having with a razor, cut his left arm above the elbow, and a little above the wrist, but missed the artery; by which means he had lost so much blood, that he was rendered very weak. A surgeon was sent for who presently stopt the bleeding, and he was carried to the place of execution; where, though he was quite sensible, yet so feeble that he could not stand; a clergyman prayed with him, but being in so weak a condition, he was incapable of giving any attention. He was then executed, and his body carried to Knaresborough Forest, where it was hung in chains, in that part of it which is nearest to the town.

Memoirs of the Life, Trial, and dying Behaviour of Earl FERRERS, convicted for Murder.

LAURENCE Earl FERRERS was descended of a very antient and honourable family, many of whose branches have been distinguished for their virtues, their loyalty, and their valour. Nor would this unfortunate earl have been any disgrace to his ancestors, had not he in his early youth imbibed the vices of the age, particularly drunkenness, which inflamed his passions, and

armed him with a brutal fury, for he was a very sensible man when sober, and even on his trial discovered very acute and penetrating parts, and a mind remarkably retentive.

In the year 1752 he married the youngest daughter of Sir William Meredith; but his cruel usage of this worthy lady, remarkable for the mildness of her disposition, and the most engaging sweetness of manners, obliged her to apply to parliament for redress; and accordingly an act passed about two years since by which they were separated.

But drunkenness was not his lordship's only vice; he even made it subservient to others; for when sober he was continually laying schemes to mortify others, and to be revenged on those who had affronted him, which he executed when in liquor, as then he thought himself less liable to censure.

In the year 1756, his lordship was at Derbyshire races, when he run his mare against a horse belonging to M----- for 50l. which he had the pleasure to win. On their returning from the races, they with some other gentlemen, spent the evening together, and drank very freely. While the glass was passing round, the Captain having heard that his lordship's mare was with foal, jocosely mentioned his running his horse against his lordship's mare at the end of seven months. His lordship imagining this was a scheme laid to impose upon him, flew into a rage, a quarrel arose, and he left Derby about three o'clock in the morning, to go to his own seat at Stanton in Leicestershire, and on his arrival there immediately went to bed. But he did not design that the affair should end thus.

At

At eight o'clock in the morning he rang his bell for a servant; and on one of them entering the room, he asked if he knew how Capt. M---- came to be informed that his mare was with foal, by which he had like to have been drawn in for another wager? the servant replied, he could not tell, unless it was from the groom, who was thereupon sent for, but denied the fact. His lordship the evening before had engaged the Captain and other gentlemen, to dine with him that day, and a servant was now sent to remind them of their promise; his lordship swearing they had used him ill, and he was resolved to invent some scheme to be revenged of them before they left his house. The servant went accordingly, but they were so disgusted with his lordship's behaviour, that they would not come near him. Enraged at this disappointment of his revenge, he now flew on his servants, and beat them all in their turns with his horsewhip, kicking, and throwing any thing at their heads that came in his way.

The earl having once sent for a barrel of oysters from London, which not proving good, he ordered one of his servants to swear that the carrier had changed them: but the honest man immediately replying, that it was impossible for him to take such an oath, the earl flew in a rage, suddenly stabbed him in the breast with a knife, knocked him down with a blow on the head with a candlestick, and kicked him on the groin with such violence, that even now he is unable to hold his water; and at particular times feels the effects of the blow on his head.

Capt.

Capt. Shirley and his wife paying a visit to the Earl and Countess at Stanton; the Earl one night quarrelled with his brother the Captain, and suddenly leaving the room, ran up stairs with a large clasp knife in his hand, which he usually carried about him. Meeting one of the servants, he asked where his Lady was, and was told he believed she was in her room. The Earl soon after ordered him to come into the room to him, which he had no sooner done than he bid him load a brace of pistols with a brace of bullets in each. The servant obeyed, but the apprehension of the mischief the Earl might do with them, prevented his priming them. He gave them to the Earl, who finding them unprimed, damn'd him, and primed them himself. Which he had no sooner done than he told the servant, that he would blow out his brains if he did not immediately go down, and shoot his brother the Captain: when the man hesitating at this dreadful alternative, his lordship clapped one of the pistols to his breast, and snapt it at him, but it happily missed fire. The Countess instantly fell on her knees, and with tears in her eyes, begged his lordship to be pacified, but in return he damn'd her, and holding one of the pistols at her head, swore he would blow her brains out if she interrupted him. Mean while the servant, slipping out of the room, went down into the parlour, and informed the Captain of his brother's inhuman intention. At this news the Captain went up stairs to his Lady, who was gone to bed, and desired her to get up, which she did, and though it was two o'clock in the morning, they both left the house immediately.

Mr. Johnson, the person who felt the destructive effects of his unbounded fury, had been employed by the Ferrers family from his youth, and was always remarkably exact and regular in his accounts. When the Act of Parliament passed for separating Lord and Lady Ferrers, Mr. Johnson was proposed as receiver to the estate; but refused to undertake it, till he was requested by his lordship to act in that capacity.

But this favour did not long continue, whether his suspicious temper represented him as unjust to his lordship, by colluding secretly with his adversaries; or whether he hoped to prevail on him to break the trust he had undertaken, occasioned this change in his lordship's sentiments, is uncertain. His behaviour however soon shew'd, that his good opinion was converted into malice, and his friendship into hatred.

Mr. Johnson had for some time enjoyed a beneficial farm under the earl; and the first intimation of his lordship's displeasure, was, by notice sent him to quit his farm; but Mr. Johnson having obtained a lease from the trustees, the earl desisted from the attempt.

This disappointment, added to a suspicion entertained by his lordship, that Mr. Johnson had entered into an agreement with Messrs. Burslem and Curfan, to disappoint him with regard to a certain contract for coal-mines, so greatly incensed his lordship, that he determined to put an end to his life.

Thus resolv'd; he took every precaution to prevent being disappointed; and he so effectually concealed his resentment under the veil of an affable behaviour, that the unfortunate person, designed

designed to fall a victim to his revenge, was entirely deceived; and even flattered himself that his lordship was again his friend.

On Sunday the 13th of January 1760, his lordship called on Mr. Johnson at his house, and appointed him to come to him at his seat at Stanton, on the Friday following, between 3 and 4 in the evening.

In the interval, the earl took care, that at the time Mr. Johnson was expected, the house should be as empty as possible; his two men-servants, being all his lordship kept of that sex, were sent out of the way; and at three, Mrs. Clifford, and the four children, were ordered to walk to her fathers, about two miles from Stanton, so that only three maid-servants were in the house at the time appointed for this meeting.

Mr. Johnson was punctual to his promise, repaired to Stanton, and was let in by one of the maids. After waiting some time, his lordship called him into his apartment, immediately locked the door, and soon after shot him with a pistol, of which wound he afterwards died.

As soon as his lordship had committed this cruel action, he called the maid-servants, and ordered them to lead Mr. Johnson up stairs, and put him to bed; thinking, as he was not killed on the spot, there were hopes of his recovery. He also sent a servant for one Mr. Kirkland a surgeon, and another for Mr. Johnson's children, pursuant to the request of the dying man, who earnestly desired to see them.

When the surgeon arrived, he desired him to take all possible care of him; but would not
consent

consent to his being removed to his own house. The surgeon examined the wound: and though he was convinced it was mortal, thought it most adviseable to flatter his lordship, lest he himself should suffer the same fate. But being persuaded that Mr. Johnson, who was of a very weak constitution, would not live 24 hours, thought it most adviseable to remove him from Stanton, as soon as his lordship was gone to bed. Accordingly Mr. Kirkland, with the assistance of 6 or 7 men, removed him to his own house, about two in the morning, where he languished till nine, and then died.

The surgeon being convinced, that Mr. Johnson was a dying man, left him, in order to procure a number of armed men to seize the earl; who came to Stanton just as his lordship had left his bed, and was going towards the stable with his garters in his hand; but on seeing the posse, he fled to his house, and was not taken till near six. After which he was conveyed to Leicester gaol, and from thence to the Tower of London, tried by his peers, found guilty of murder, and ordered for execution the 5th of May.

During the time his lordship was in the Tower, he was for the most part calm; but would sometimes start, and hastily unbrace his waistcoat, and indicate by other gestures, that his mind was disturbed.

A few days before the time appointed for his execution, his lordship sent for his wardrobe, and chose out of it a white suit; richly laced and embroidered with silver, saying, *this is the suit in which I was married, and in which I will die.*

A little before his lordship's leaving the Tower, he is said to have wrote the following lines; and that he was proceeding, when he was interrupted by one of the warders who attended him.

In doubt I live, in doubt I die,
Yet undismay'd the vast abyfs I'll try,
And plunge into eternity
Thro' rugged paths---

On the 5th of May, the day fixed for his execution, at nine in the morning, the two Sheriffs of London, attended by their officers, appeared at the Tower-gate, which being told to his lordship, he sent to desire them to let him go in his own landau, which was waiting for him, which he chose rather than a mourning coach. This was granted, and he stepped into the landau, attended by the Revd. Mr. Humphries, Chaplain of the Tower. On their coming to the gate, Mr. Sheriff Vaillant joined them, and seating himself by his lordship, politely observed, that it gave him the highest concern to wait upon him on so melancholy an occasion, adding that he would do every thing in his power to render his situation as agreeable as possible; and hoped his lordship would impute it to the necessary discharge of his duty.

The procession then began, and proceeded through a numerous croud of spectators, and passed through the City in the way to Tyburn. In their passage his lordship asked Mr. Vaillant, if he had ever seen so great a concourse of people? and upon his answering in the negative, he rejoined, *I suppose it is because they never saw a lord hanged before.* He then observed, that he had wrote to his Majesty to desire that he might suf-

fer within the walls of the Tower, as his ancestor the Earl of Essex had done; a favour he had the greater hopes of obtaining, as he had the honour of quartering part of the same arms, and of being allied to his Majesty; adding, that he thought it was hard, that he must die at the place appointed for the execution of common felons.

The Chaplain took occasion to observe, that the world would naturally be inquisitive about his lordship's religion. To this he replied, that he did not think himself accountable to the world for his sentiments on religion; but that he always believed one God, the maker of all things. But whatever were his notions, he had never propagated them.---That all countries had a form of religion, by which the people were governed, and whoever disturbed them in it, he considered as an enemy to society.---If he was wrong in his way of thinking he was sorry for it.---That he thought the lord Bolingbroke to blame, for permitting his sentiments on religion to be published to the world.---That the many sects and disputes about religion had almost turned morality out of doors; and that he could never believe what some sectaries taught, that faith alone would save mankind, so that if a man, just before his death, should only say, *I believe*, that alone would save him.

With respect to the death of Mr. Johnson, his lordship said, he was under particular circumstances, and had met with so many crosses and vexations, that he scarce knew what he did; and solemnly protested that he had not the least malice against him.

As his lordship's passage from the Tower to Tyburn took up almost three hours, he often expressed his desire at being at the end of his journey; observing that the apparatus of death, and the passing thro' such crouds of people, were ten times worse than death itself.

In the way his lordship expressed his desire of having a glass of wine and water; but on Mr. Vaillant's observing, that his stopping would draw a greater croud about him, he immediately replied, *that's true, I say no more; let us by no means stop.*

On approaching the place of execution, near which his mistress waited in a coach, his lordship observed, that he should be glad to take his last leave of a person for whom he had a sincere regard: the Sheriff dissuaded him from it, lest the sight or her should unman him, and disarm him of the fortitude he possessed. The weight of this reason the earl very readily acknowledged, and without hesitation, mildly replied, *if you, Sir, think I am wrong, I submit.* And upon Mr. Vaillant's offering to deliver any thing to her he should entrust him with for her use, he gave him a pocket-book in which was a bank note, a ring, and a purse of guineas, to deliver to her, which he afterwards did.

They reached the place of execution about a quarter before 12, where they were received by another party of Horse Grenadiers, and foot, who had formed a large circle round the gallows, which was covered with black bays, as was also a square scaffold, erected and railed round it. His lordship walked up the stairs with great composure and fortitude, with his hat in his hand,

hand, when, after a pause of a few moments, Mr. Humphries asked, if he chose to say prayers? but this he declined; upon which the Chaplain asking him, if he did not chuse to join with him in saying the Lord's prayer? he readily said that he would, for he always thought that a very fine prayer. They therefore kneeled down upon two cushions covered with black bays, and his lordship, with an audible voice, repeated the Lord's prayer, and afterwards with great energy cried, *O God, forgive me all my errors---pardon all my sins.* Then rising, he took leave of the Sheriffs and Chaplain, thanked them for the civility they had shewn him, and made Mr. Vaillant a present of his watch. His lordship then (by mistake) gave five guineas to the executioner's assistant; which was immediately after demanded by the master; but the fellow refused to deliver it, and a dispute ensued, which might have discomposed his lordship, had not Mr. Vaillant instantly silenced them. The executioner then proceeding to do his duty, his lordship submitted with great resignation. His neckcloth being taken off, a white cap, which his lordship brought in his pocket, was put on his head; his arms were secured with a black fash, and the halter, which was a common one, was put round his neck. He then mounted a part of the scaffold raised 18 inches higher than the rest, and the signal being given by the Sheriff, that part of the floor sunk under him to a level with the rest, and he remained suspended in the air. He struggled for a few moments, but was soon dispatched by the pressure of the executioner, and having hung an hour and five minutes,

the body was cut down; the shell being raised it was dropped into it, and carried by the men to the hearse. After which it was conveyed by the Sheriffs, with the same proceſſion, to Surgeons Hall, to undergo the remainder of the ſentence.

His lordſhip was only about eight minutes on the ſcaffold before his execution; he ſtood, to all appearance, unmoved at the approach of death, and without the leaſt change of countenance, or faltering of his voice, viewed the awful preparations for depriving him of life. The ſpectators, ſtruck with the novelty of ſeeing a Peer of Great Britain in ſuch a ſituation, doomed to death for the dreadful crime of murder, and ſuffering like a common malefactor for taking the life of one of their own rank, beheld him with a reſpectful ſilence, mixed with pity, and while they commiſerated his fate, almoſt forgot his crime.

The body was brought from Tyburn in a coffin lined with white ſattin; his hat and the halter lay at the feet, and upon the lid was a plate with theſe words, *LAURENCE Earl FERRERS, ſuffered May 5, 1760.*

The ſurgeons made a large incision from the neck to the bottom of the thorax or breaſt, and another acroſs the throat; the abdomen was laid open and the bowels taken out. Upon this occaſion the ſurgeons declared that the entrails were remarkably ſound, and that in their whole practice they never ſaw in any ſubject ſo great ſigns of long life.

It would be unjuſt to the memory of his lordſhip, to conclude theſe memoirs without adding, that, beſides the large ſum he left the children

children of the late Mr. Johnson, he is said to have repaired, as much as possible, the faults he had committed, by generously giving handsome sums to those, whom, in the heat of passion, he had injured. And in all probability, had not this unhappy peer early imbibed prejudices against the christian religion, he had proved a worthy member of society; and instead of suffering an ignominious death, have lived the ornament of his family, the delight of his friends, and a blessing to mankind.

The Trial of THOMAS ANDREWS, for Sodomy, May, 1761.

THOMAS ANDREWS, victualler, was indicted for committing the detestable crime of Sodomy, on the body of John Finimore, April 19.

John Finimore. The prisoner lived at the Fortune of War, a Public House in Pye-Corner. I went to his house on the 17th of April last, about noon. I had known him before, by living in a family where he has a sister lives. He said, John, my wife is out of town, you shall be welcome to lie with me, I have no where else that you can lie at present. I did not stay then, but went to the lady where I had lived. She said, John, you shall lie here to-night. I lived last at Mrs. Unwin's in King's-street, and before that I lived with Mrs. Mead, in Red-Lion Court, behind St. Sepulchre's Church. I told my mistress I was come away from my place; she said, she was sorry for it,

and would endeavour to get me another; I went back to him that afternoon, and told him, I was much obliged to him, for his kind offer, but my mistress had said, I should be there that night. He said, John, it is very well; then I left him, and lay at Mrs. Mead's. I went the next day, the 18th, to the prisoner, and asked him the question again; he answered, John, you are welcome.

Q. How came you not to continue to lie at Mrs. Mead's?

Finimore. As she did not offer it, I did not. I came back to Mr. Andrews's in the evening about eight o'clock. My first Cousin Jonathan Finimore went with me, and we had a pot of beer; my Cousin drank part of it, and went away; he did not stay long, and left the prisoner and I together; there were company in the house, but no body with us; we were in the public drinking-room; we supped together, and about one o'clock, the company being gone, he shut up the doors, and we went to bed together. I was a little in liquor; I had been walking about all day, and drinking with him all the evening. He was rather sober than otherwise. I went to sleep soon, and about four o'clock I awaked, with a violent pain and agony which I was in, and found his yard in my body.

Q. Are you sure you was sober enough to be positive?

Finimore. I was so far sober as this, that I could undress myself, and to see the key was taken out of the room door after he had locked it; this I saw before I went to bed. On his getting away from me, I felt something warm, but

but what it was I cannot say. I said, Mr. Andrews, what are you doing of? he said, nothing at all, John, and immediately withdrew, and got farther from me. I got out of bed immediately.

Q. Are you sure he had penetrated into your body?

Finimore. I am sure of that. Then I sat in a chair by the bed-side. He said, John, you had better come into bed again; you can't go any where yet. I went to bed again, by his persuasion. I sat in the chair, I believe, about a quarter of an hour. Being in bed again, I went to sleep in about ten minutes, and awaked between six and seven o'clock, and found him going the same way again.

Q. Did he penetrate a second time?

Finimore. No; I found him approaching my body. I got out of bed directly, and dressed myself. He did the same, unlocked the door, and I went down stairs with him. I said nothing at all to him. I went to my cousin Jonathan Finimore, and told him the same as I have now told in court. He said, John, this is a difficult thing to go through with. It being Sunday, I could not do any thing in it that day; but on the Monday morning I went and told a fellow servant of mine of it; his name is Daniel Goodwin; there were others in company at the same time: they persuaded me to get a constable and take him up. Accordingly I did. The constable going in, Mr. Andrews went up stairs. When he came down, the constable asked him where he had been? he said, to change his cloaths; though he was in the same he went up in. Then I charged the constable with him.

The

The constable said, do you not charge the constable with him? (*meaning me*) The prisoner said, I do. Then we went to my lord mayor's. He was not to be spoke with that day; then we went to two aldermen's houses, who were neither of them at home; so that we could have no hearing that night. He was committed to the Compter, and I was put into Old Bridewell.

Q. Did you receive any injury from this affair?

Finimore. I have been very bad ever since with what he did to me that night. The hurt was in my fundament; I was torn there, so that I could hardly walk. I have had two surgeons to look at it, but they applied nothing to it. I never before was subject to any complaints in those parts.

Q. During the time he was apprehended, had you any particular conversation about this matter?

Finimore. As we were going along together, the prisoner said, this might be made up for a pint of beer.

Q. Why did he charge the constable with you?

Finimore. For fear I should run away from what I had said, because we could not have a hearing that night before the alderman. When we came on Monday, the 20th of April, before Sir Robert Ladbroke, there he was examined. Sir Robert said, Mr. Andrews, do you know this young man? he said, yes, very well.----What do you know of him?----I have nothing to say against him. He is as honest a lad as any in England.

Q. What did he say for himself?

Finimore. He said he was innocent. That was all he said to the alderman.

Q. Where did you go to drink together?

Finimore. We went to the Dolphin, in Honey-lane Market, after we could have no hearing at the alderman's, and had a tankard or two of beer.

Q. Who was present?

Finimore. One Mr. Richardson, a taylor, Mr. Bateman Griffiths, a carpenter, and Mr. Leage, the constable.

Q. Did not you there agree to make it up?

Finimore. I said I had no money to go thro' the law, as I heard it would be an expensive thing, I being just come out of place; so I would make it up, on condition he would give me a note under his hand, not to trouble me; for I never was before a judge or an alderman in my life before.

Q. How came you to make this offer?

Finimore. I was afraid I should lie out of place a great while upon it.

Q. Did this come of yourself, without a proposal?

Finimore. We proposed both alike; I cannot say who did first.

Council. Preferring a bill of indictment, and coming here, would not have come to 10s.

Finimore. That I did not know.

Q. If you had declared nothing but the truth, how could you be afraid of his troubling of you?

Finimore. I was afraid of being hurt for making of it up.

Q.

Q. Whether some person that was by, did not dissuade you from making it up, and say you had lost a great deal of time, and you should have satisfaction for it?

Finimore. The prisoner had wrote with his own hand, it is here in court; as near as I can speak the words, they were these. The 20th of April, John Finimore and Thomas Andrews have agreed, that all is made up. Then he desired me to write the same, which I could not write. The persons that sat by said, John, what are you going to do, do you know what you are about? if you offer to have any thing to do with it, I'll cut your hands off. This was Bateman Griffiths.

Q. Did any body persuade you to demand any satisfaction for your lost time?

Finimore. I believe somebody said, you shall not make it up; he ought to pay smart money. The prisoner said, he would not be imposed upon, and he would spend a hundred pound to right himself.

Q. Was the complaint for the actual fact, or for an assault with an intent to commit it?

Finimore. I declared the same before Sir Robert Ladbroke as I have now.

Jonathan Finimore. I am a relation to the prosecutor. I know Andrews, the prisoner. On the 18th of April, about nine, I was at Mrs. Mead's, in Red-Lyon Court, and found my kinsman there. He was to lie at Mr. Andrews's house. We went there together, to drink a pint of beer, which he said he had left on the table. After we had drank that, we had another. I went away,
and

and left Andrews and him drinking together. I did not stay there above a quarter of an hour. They were then both sober. I desired my kinsman to come to our house the next day, to go of a message for me. He came about ten minutes before seven in the morning. I live at the George, in Leather-lane; this was the 19th of April, I am coachman to Mr. Baldery, and our horses stand there. I was writing a letter for him to carry to Clapham. I asked him how he did? he said, very ill: I asked him the reason, and said, I left him very well last night. He said, after I went away, Mr. Andrews kept him up till one o'clock, and that he had asked Mr. Andrews once or twice to let him go to bed; Mr. Andrews said he might as well stay till he went to bed; and that when they had been in bed some time, Mr. Andrews awaked him, and he was in very great pain. I asked him what Mr. Andrews was going to do to him. He said to bugger him. I said, did he bugger you? yes, said he, he was in my body. Said I, are you sure of that? he said, yes, he was quite sure of it. I said, this is a very nice point, as it touches a man's life, you must be very particular in it. Yes, he said, he was quite sure. I said, are you capable of going to Clapham to-day? he said he was in so great pain, that he could hardly sit. I said, what do you impute it to? he said, to what Mr. Andrews did to him. He said, the linen he had put on that morning, was much stained with a running matter. I saw it, but not till the day after, when he came from Clapham; there were marks upon it, and a sort of putrified matter; it was on
the

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the fore-part, because he clapped that under him for easement. He went away, and did not return to me that day; but went, and told it to his fellow-servants, at Mrs. Mead's. I never saw him till about nine at night, when they had taken Mr. Andrews up, and he was committed to the Poultry-compter, and my kinsman to Bridewell. Then his fellow-servants came to me, and desired I would go to him---When Mr. Andrews came before Sir Robert Ladbroke, he said he knew nothing of it; and was wrongfully accused; but upon the evidence against him, Sir Robert sent him to the Poultry-compter.

Henry Jones. I am at St. Bartholomews's Hospital for experience; I have been there about four months, and have been six years a surgeon before I came there. John Finimore came to me on Monday, and likewise on Wednesday last. He said he was very ill, and desired me to examine him; he told me the case, and said he was in a great deal of pain.

Q. How did the part appear?

Jones. It appeared to me to be lacerated; there was an appearance, as if violence had been offered; it seemed to be something of that kind; but whether it was or not, I cannot say; the injury was considerable; The edge of the rectum was lacerated, just at the edge of the Anus, and that part bled.

Q. Could not the parts be lacerated in that manner, by a hard stool?

Jones. No, they could not.

Q. Do you think there must have been great violence used, to make that laceration?

Jones.

Jones. I do, and think it must have been with great pain.

Q. Was there any venereal complaint?

Jones. No, there was not.

Q. to the Prosecutor. Have you got your linen here?

Prosecutor. I have here the shirt I put on the next morning, in the prisoner's bar-room. This is it, it is as I pulled it off. I wore it till the Tuesday morning; then I put on a clean one, after I came from Bridewell.

[The jury inspect it; it appears at the bottom of the fore-part of a reddish colour; the stains all in creases.]

Benedict Goodwin deposed, that she had washed Finimore's linen, from the 1st of December till the 18th of April, and never saw any stain of blood of one sort or another upon it.

Prisoner's Defence.

I know no more of it than the child unborn. When he came before Sir Robert Ladbroke, Sir Robert said, when you was used in this terrible manner, did you say any thing to him about it? He said, I cannot say I did; I owned to every thing that was right. In the first place, I told him, he came to me on the Friday, crying like a child whipped with a rod; he said his mistress had turned him away, and he had been there but thirteen days. He wanted a lodging; I told him I had not a bed empty; but as I know you (my wife happen'd to be in the country) you shall have half my bed and welcome. Then he came again, and told me his lady had asked him to lie there, as he was out of place. I said, very well, John. On Saturday he came

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again, and said his mistress had not asked him a second time, and he did not chuse to ask her. He went out again, and at eight he came in with his cousin Finimore, and had two pints of beer; then his cousin went away, and he never asked me to go to bed at all; it happened to be one o'clock when we went to bed. As for the key being taken out of the door, I never took it out since I have been in the house; I double-locked it and went to bed, and never waked till St. Sepulchre's clock struck six, which waked me. He never was out of bed, I will take my oath. Then I joggled him with my elbow, and said, John, it is past six o'clock. Is it, said he. Said I, you are to go to Clapham, will you breakfast? he said, no; he had promised his cousin Finimore to breakfast with him. He must be very bad, indeed, if he could not walk there. He told me, himself, he got drunk there, and could not come home. He shifted himself in the bar-room. I said, will you have any thing before you go? he said, I should be glad of a glass of your best gin. I drank to him, and gave him a full glass, and a bit of bread. Said I, do you think of coming back to dinner? he said, I have some thoughts I shall go to see your sister; I positively will come home to dinner. We shook hands, and I wished him a good walk; he thanked me, and I never set eyes on him till about four o'clock on Monday; then he brought Mr. Leage to apprehend me. My daughter told me some people wanted me in the back-parlour. Said I, who are they? she said, John is one. There was my neighbour Leage, and two more that I did not know; they charged me

me with this thing. I never was more surprised in all my life; said I, I am ashamed to hear you. Then, said I, I will charge him. If I had been afraid of it, why should I charge him, that he should not run away? if I had been guilty of that thing, I would have let him run away and welcome. It is as true as God made the world, I know no more of it than the child unborn; I will plead innocent of it to the hour of my death; it is all nothing but false-swearing, as sure as I am here. When we came to the public house, the constable said, let us go in and have a pot of beer, don't let us go wrangling and jangling. There were five of us; we had some beer. The constable said, you had better have general releases drawn between you. Said John, if you, Mr. Andrews, will be kind enough to give me a receipt from under your hand, that you will not hurt me, I will make it up. I said, what is there to make up? he said, I don't see any great matter.---Nor I neither, I am sure. Then I said, if you serve me so, I will have a warrant for you. Then, said he, write a paper for the present. Said I, I don't want to hurt you; I have done no ill to you, and will not be imposed upon. They call'd for a piece of paper, and desired me to write; I had no spectacles about me, so I only wrote, John Finimore and Thomas Andrews have agreed all is made up. One of the other persons snatched it away, and said to him, I will cut your hands off, you shall sign nothing, we will have some smart-money. Said I, before I'll agree to that, I'll spend 100l. What have I done? I will not agree to any thing of that kind; I know no more of it than the child that is unborn.

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Q. to Prosecutor. You seem to speak doubtful as to emission; but you closed your evidence with saying, he penetrated your body; can you, or can you not, say as to that of emission?

Prosecutor. I will not take a false oath for the world; I cannot say there was; I felt something warm; I mean liquidly warm; something wet, just as he withdrew from me.

Sarah Andrews. I am daughter to the prisoner; I saw John Finimore at our house the 18th of April, he was drinking with my father; and on the 19th I came down just after he went out; he left this shirt here produced, which he had pulled off, in the bar, on the Sunday morning; he asked for his shirt when he came for his cloaths, I think on the Wednesday. It is in the same condition now it was then. (*The Jury inspect it, there were no stains upon it.*)

Prosecutor. This is my shirt that I pulled off at Mr. Andrews's house.

Q. to S. Andrews. How long has your father been married?

S. Andrews. He has been married 25 or 26 years, for what I know; and my mother has been 12 times with child, there are four now living.

Q. When the prisoner came for his shirt, why was it not delivered to him?

S. Andrews. I was desired by my father not to deliver it to him; this was after my father was accused. I suppose he was advised not to deliver it.

Q. How came it you was so long before you applied to a surgeon?

Finimore. We were before Sir Robert Ladbroke on the Tuesday; we went to Mr Blagden

den a surgeon on Snow-Hill, he was not at home; we went again the next morning, I shewed myself to him. He said young man, there is a sort of a pile, or some such thing.

Q. How came you to go to Mr. Jones?

Finimore. I went there as Mr. Blagden did not give me any encouragement, to tell me what it was; I thought proper to go to some other person, so I was recommended to Mr. Jones.

The Court thought proper to send for Mr. Blagden.

Q. to Mr. Blagden. Was the prosecutor under your inspection?

Blagden. He came to me with some other persons, and said he had received an injury from somebody, and desired I would look at him. This was about a week or ten days ago. He told me he lay with somebody that entered his body, and had hurt him. I inspected him, and told him I could see no injury; there was a little excavation of the flesh, what I apprehended to be the effect of a pile, on the left side of the fundament.

Q. Was there a laceration?

Blagden. No, there was not.

Q. Did you see him afterwards?

Blagden. No. I gave him the same account as I have now told here.

Q. to Mr. Jones. Now, in the hearing of Mr. Blagden, describe what you observed.

Jones. I opened the anus, the part was lacerated, there was blood, and also blood by the friction.

Q. Were there any signs of his having the piles?

Jones. There were ; that was on the right side, the excavation was on the left.

Blagden. If the Court will let us take the prosecutor out and examine him, I can convince the young gentleman there was no laceration.

Prosecutor. I am willing to be inspected.

[*They retire into a private room, and in about eleven minutes return into Court.*]

Q. Have you had an inspection ?

Blagden. We have ; I see no marks of laceration ; there has been an excavation, which is different from a laceration. I am still of the same opinion as before. The excavation on the buttock arises oftentimes by walking in warm weather, by one buttock rubbing against the other. When any thing is introduced into the body, the part that is mostly injured is the sphincter muscle, because it prevents the excrement in coming away.

Q. to Jones. What do you think now ?

Jones. There has been an excavation.

Q. Was you mistaken ?

Jones. There was some blood appeared. The man is surprizingly mended since I examined him : to the best of my knowledge there was a laceration.

Q. If the body had been entered by a man, must you have perceived it when you examined him on the Wednesday.

Blagden. No, I cannot say positively I could, because it may be observed, there will excrement come away from the gut, almost as big as my arm, very large and hard, and the party receive no injury ; as may sometimes be seen by countrymen. Guilty. *Death* ; but respited, and afterwards pardoned.

The

*The Trial of JOHN PERROTT, a Bankrupt,
for concealing his Effects, 1761.*

JOHAN PERROTT, merchant, was indicted, for that having become a bankrupt, he did conceal, embezzle, and remove his effects, to above the value of 20 l.

Anthony Bancroft, to prove the prisoner's bankrupt, deposed, that he kept a linen draper's shop on Ludgate Hill; and that he was indebted to Mr. William Hewitt to above 1000 l.

John Allison deposed, that he had carried a great deal of goods to Mr. Hewitt, and delivered them to him.

Christopher Harrison deposed, that he went to the prisoner's house on the 17th of January, 1760, and on the 18th Mr. Perrott spoke to his apprentice, Richard Bagley, and desired him, if Mr. Hewitt called, to say he was not at home. He likewise spoke to me, and desired I would let nobody go up stairs; he was afraid of being arrested. Mr. Hewitt called, and asked if Mr. Perrott was at home; Bagley said he was out, and he was then up stairs. I was sent there by Mr. Maynard and Mr. Hewitt. Being asked if the denial was in order to a commission, answered, he could not say: that he had seen Mr. Hewitt and Perrott talking together in the farther warehouse; Mr. Hewitt went away, and Mr. Perrott came to Bagley, and bid him, if any body called, to deny him; and I did deny him to Mr. Buck, who is a large creditor.

On his first examination before the Commissioners, it appeared that on a true state of his accounts,

accounts, between debtor and creditor, there was a deficiency of 13,513*l.* and was then required to give a true and particular account of what was become of the same, and how applied. To which he thus answered :

That about six years ago, he became acquainted with Sarah Powell, otherwise Taylor, who lately lived at Weybridge in Surry, but at the time he first became acquainted with her, she lodged at Mr. Serjant's, an excise officer, in Coldbath Fields: says, that the said Sarah Powell was then about 25 years of age, the daughter of a Clergyman in the West of England: that about ten months ago, and since his confinement in Newgate, was informed, that the said Sarah Powell was then dead: says, that from the time he became acquainted with her to the time of his being committed under this commission, there continued a familiar intercourse between them; during which time he expended several sums of money: says, that from Christmas, 1758, to Christmas, 1759, he expended upon, paid, or remitted to the said Sarah Powell, the sum of 5000*l.* at several times, which he sent to her, in cash and bank notes, when she was at Bath or Weybridge. Says, that he never drew upon his banker for any of these sums, but received them from one Henry Thompson, since deceased, who was employed by him to sell goods for him: says, that the said Sarah Powell kept a house at Bath, but don't know whether she kept any carriage during her stay there or not; she was attended by a man and a maid servant: that the said Sarah Powell returned from Bath to Weybridge about the latter end of January 1760, where she died in
April

April following: says, that from the time she returned to Weybridge, to the time of his commitment to Newgate, he never went to see her but once, when she was extremely ill, and dying, of a consumption: that the said Sarah Powell then knew that this deponent was a bankrupt, but never offered to return him any part of the money he had so given, and remitted to her; neither did he ask her what she had done with the same, nor how she intended to dispose of her effects after her death: says, he kept no particular account, or memorandum whatever, of the payments and remittances so remitted to her. The reason of his making such remittances to her was, her complaints to him by letters, that the places where she resided were very expensive; and tho' he thought her demands very extravagant, yet he made her the remittances aforesaid, in order to enable her to defray such expences, and not with a view to establish a fund for her future support, or wherefrom he could draw any advantage. That all the letters except one or two, he had received from her during his acquaintance with her, he had burnt and destroyed: says, that the reason for not disclosing the transactions between him and her before, was, it was her dying request, that he would not expose her to the world: says, that during the said year 1759, when he made such remittances to her, he knew he was not worth any thing, and that he was remitting to her his creditors money, and that such remittances were not made in hopes of receiving back any reward therefrom. Says, that the said Henry Thompson informed him, that he sold the goods of this deponent
from

from which the money, so paid, and remitted to the said Sarah Powell arose, to the several persons following, among others, namely, to Sir Samuel Fludyer, Mr. Mabbs in Smithfield, Mr. Whiting in Cheapside, and Mr. Pierpoint of the same: That the said Henry Thompson kept no particular account of the monies raised by him, by the sale of such goods for the use of this deponent as aforesaid. Says, that during the first year of his acquaintance with the said Sarah Powell she might cost him the sum of 100*l.* but cannot recollect any of the particulars thereof; neither can he give any particular account what he expended upon her the second, third, and fourth year of their acquaintance, the same familiarity and intercourse subsisting all the time, as in the year 1759.

John Perrott.

The council then charged him with thirteen notes, and called witnesses to prove that they were found in his custody.

Robert Brown. I was messenger to this commission, and employed to make search in Newgate for any concealed effects of the prisoner. It was June 25, 1761. Mr. Hewitt and Mr. Salkeld went with me. Upon examin'g an old trunk in his room, I found a bit of cloth tied up with white tape; I cut it, and found something pretty thick in it, it was a bit of silk tied up; I opened it, and found five half bank notes. I seeing some old print upon one of them, looked at it, and said, I am sure this is not for less than a thousand pounds, because I could see the end of the word *thousand*, it can be no other word. I delivered these

these five half bank notes to Mr. Hewitt. From Newgate I went to Mrs. Ferne's with a search warrant, I had searched there before; but I made a second search, and found a note of hand for 1200l. The gentlemen with me told me, they found some half bank notes there.

Mr. Hewitt confirmed the evidence of Mr. Brown, and added, here is part of the word *Martin* on one of the notes; here is *rtin Mathias*, or bearer, 30 June 60.

Gideon Maynard. I took these half notes out of a little box in Mrs. Ferne's apartment; she was a little riotous, and did not care I should take possession of them. I put them into the constable's hands. Here are five half bank notes. Four of them tally with those found in Newgate. I did not find the other half of the thousand pound note. We carried Mrs. Ferne to Justice Fielding's, and I believe these half notes are entered in his book.

William Stears. I am clerk at the Bank; there were three notes made out in the name of Martin Matthias, and given in lieu of thirteen notes, brought into the bank by Martin Matthias; I have them here. And for those thirteen notes there were three notes made out for the same value. They amounted to 2100l. the three notes were two for 1000l. each, and one for 100l. one of a thousand, and one of a hundred, I paid since. Here is *James Cotes* on the face of the thousand pounds, but nothing on the face of the hundred pound note. There were no other notes made out on the 30th of June, but these three, in the name of Martin Matthias.

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Matthias. Of these three notes, there remains one of 1000l, unpaid.

Charles Smith. I sent my servant to the Bank with a thousand pound bank note to change, which I received from Mrs. Ferne.

Council. Here is a note of 400l. which was paid for two bales of silk, by Thompson, and we shall prove Perrott had in his custody two bales of silk agreeing with the mark. This note is payable to Asgill and Co. This is one of the thirteen paid into the Bank.

Peter Turquand. I am now Partner with Mr. Chavet; I was clerk to him; we bought two bales of silk of Perrott on the 15th of December; here is the bill of parcels, wrote by Thompson, in our compting-house. We gave him 434l. 14s. for them, and I gave him a note of hand payable five days after date, which was accordingly paid by draught on our banker, Sir Charles Asgill and Co. payable to William Thompson, or bearer.

William Donaldson. I am clerk to Mr. Asgill; here is the draught and the note. The note is C 282, dated the 15th of December, for 400l.

Mr. Maynard (producing a book.) This is one of Mr. Perrott's books (*reads*) a bale of silk, containing 161 pounds of silk, neat, bought the third of October, 1759; the other is the third of October, 16 ounces of silk, bought of Zachery and Filmer. I find but one rate besides in this book.

Walter Powell. I am clerk to Castells and Wheatley; I remember to have received this note in part of the sum of 2750l. I paid it in the

the name of Thompson, the 11th of Jan. 1760, in the part of a draught of Mr. Frederick Gibson's, Cheapside. It was payable to Mr. James Mabbs, or bearer; K 79, to W. Forbes 2d of January; this tallies with our waste-book. I paid it to a person named Thompson.

James Mabbs. I know Mr. Thompson, I had dealings with him in the year 1760; I bought some long lawns of him; I paid him in a draught of Mr. Frederick Gibson, Castell, and sons, 550 l. I had no other draught of that day of Mr. Frederick Gibson's.

Mr. Gines, a banker, deposed, that he paid four notes of 100 l. each to Henry Thompson. These were four of the thirteen notes.

Samuel Cope, clerk to Sir Samuel Fludyer. (produces a bill of parcels) Sir Samuel has bought shalloons several times of Mr. Thompson. He bought, the 12th of December to the amount of 366 l. and here is another note for 370 l. for shalloons bought of Mr. Thompson, and 13 s. was paid in cash, which made up to the amount of 736 l. 19 s.

Thomas Lee. No. H 382, for 100 l. and No. C 262, for 200 l. were paid by my Clerk on a draught of the prisoner Perrot. Also B 253, for 100 l. and H 69, for 100 l. were paid to a person named Bentley, who came for it, payable to Molineux.

Council. There now appear eight of the thirteen notes.

Mary Harris. I have known Mary Anne Ferne four years, and I know the prisoner. She has frequently taken me to Newgate to him, and told me he was my master. I was her servant. She came from Derbyshire; her father

is dead: they were poor people, and kept a little farm of 20 l. or 30 l. a year. When I knew her first, she was just come from a service in Watling-street. She had scarce any cloaths at all, nor no money. I did not see her again for about two years after. I saw her since, when she asked me to come and see her, which I did the last Fast-day. She then appeared very much in an exalted state. I asked her, how she came possessed of so large a fortune? she told me her fortune came by a person belonging to a picture that hung in her dining-room. The prisoner was then in Newgate. I went with her almost every day to see him, and sometimes twice a day. She lived in a plentiful manner; Mr. Perrott used to make her great promises how they should live when they came out of Newgate; and she told him about a house of Mr. Smith's to be disposed of. He objected, there was no room to keep a pair of horses. He said, he would make her a present of a pair of diamond buckles, and a pair of diamond ear-rings, and would lay out upon her 300 l. When she went to buy this house of Mr. Smith's, she took half a bank note for 1000 l. and said the other half was in the hands of Mr. Perrott in Newgate. When she told him that house was to be sold, he said, my dear, have you a mind for it? she said, yes, if she could have it for 8 or 900 l. Mr. Perrott said, my life for it you shall have it, for I like the place above all things.

Prisoner. When did I promise her those diamond buckles and ear-rings?

Harris. I cannot tell exactly the time, but it was all within the time I lived with her, and when we were with him in Newgate.

Q. to Hewitt. Was there any agreement betwixt you that Perrott should be denied to you, in order that he should be made a bankrupt?

Hewitt. There was a meeting of a great number of the creditors at the Half-moon tavern the night before he was denied. It was agreed between him and the creditors, that he should be denied to any one of them, that he might be a bankrupt; and he was denied to me in consequence of that agreement; and by another also.

Prisoner. Was you at my house in the morning, and in my company?

Hewitt. I was; it was previous to that day.

Prisoner. It was the very same morning. Did not you go out at the back-door?

Hewitt. I believe I did.

Prisoner. Do you remember a circumstance of asking my apprentice whether I was at home? what was the answer?

Hewitt. I cannot tell the answer.

Prisoner. Do you remember a circumstance of your coming to ask my apprentice, Bagley, concerning his master, and he said to you he was at home, and you answered, he must say he was not at home, for you knew he was at home?

Hewitt. That I do not remember.

Prisoner. Did you call upon any business to ask for money, or if I had any bills?

Hewitt. I had a note of the prisoner's payable at the banker's.

Q. Did the prisoner owe you any money?

Hewitt.

Hewitt. He owed me a large sum of money.

Prisoner. I bought goods upon nine months credit; none was become due then.

Hewitt. I called upon him then on account of hearing that some of his bills had been returned, to know if it was true, being willing to know what situation he was in.

Q. Whether any money was due to you on the 19th of January?

Hewitt. I cannot tell unless I look into my books. I had a draught of his upon a banker, and that was returned me; then it became necessary for me to apply to Perrot for the money. This was not that day, but the day after. I did not receive the money after the commission was entered; the commission was issued on the 19th, which was the day after.

Prisoner's defence.

My lord, all I have to say is this; that Thompson sold goods is very true; but what debts he took, how he negotiated them, I cannot say. All the debts I received of him, I sent to Mrs. Powell at Bath and Weybridge. It is a very great unhappiness to me that Mr. Thompson is dead; what he knew he would testify. As to those notes, half with me and half with Mrs. Ferne, they were Mrs. Ferne's own. I have laid in Newgate so long, I have none but her to support me; she has sent me a bit of meat, tea, and sugar; and she requested me to take them half bank-notes into my portmanteau. I thought I should be very ungrateful if I did not; and the reason she gave was, her house had been attempted to be broke open twice; and for the favours she was pleased to compliment me with,
she

she said she thought she had some little reason so to do. They asked me for the key; I gave it them. When they found these half bank-notes sewed up by Mrs. Ferne, Mr. Brown has positively sworn they were covered with a piece of white cloth, in a bit of silk. They were covered with a bit of white dimity. When I asked him to take an account of them (for I did not know what notes they were, neither did I ever see them) he would not let me, but carried them away. Guilty. *Death.*

The Ordinary's account of him is as follows: This offender was committed to Newgate, April 20, 1760, by the commissioners, for not giving satisfactory answers to their questions; yet he was not considered as a criminal, till a part of his concealed effects were discovered, some time in June last; previous to which, advertisements had been published, offering 40 *per. cent.* out of such concealed effects so discovered.

The account he gives in his examination wherein he attempts to account for 5000*l.* given in large sums during the several months of one year only, to one Sarah Powell, with whom he had connections five or six years, is not only highly improbable, but also inconsistent with his temper, course and manner of life, well known to some of his creditors, and by which he insinuated himself in their good opinion and credit; for he was observed to be sober and frugal, rather of a covetous turn, and generally to be found at home of an evening. As to his house-keeping, he gave a guinea, or thereabouts, to his maid-servant, weekly, and she returned him an exact account of the expences of the week, which seldom exceeded 26 or 27*s.* a week, there

being but three in family; and his whole annual expences are believed not to exceed 200 or 250*l.* It throws a strong light on the design of this bankrupt, that the bulk of his debts were contracted within 12, 9, or 8 months before his failure; in which time he had contracted a weight of credit of 26 or 27,000*l.* for which sum he failed; whereas it was known from his shop-books, that he did not owe more than 3000*l.* or rather less, in any one preceeding year of his dealing.

When under examination, no part of his conduct was more generally blameable and odious, than his ill treatment of Mr. Whitton. This gentleman was a lace-merchant at Northampton, who had left off business with reputation, and a fortune of 20 or 30,000*l.* He, without any other tie than fancy, took a liking to Perrott from a child, and made it a pleasure to oblige and assist him. At Perrott's request he lent him 4000*l.* on easy terms; which he had just received, and thought to have put into the funds. When the commission was out, Perrott charged on oath, this friend of his (whom he has been heard to boast of as a very uncommon friend) with usury, in taking excessive interest of 10 per. cent. and would have rewarded him, not only with infamy, and the loss of his debt, but with a prosecution. Thus aiming to sink the sum of 4,500*l.* principal and interest, apparently for the benefit of the other creditors, but finally for his own: this greatly affected Mr. Whitton, so far as to touch his health. However, by an able solicitor, he effectually wiped off this scandal; proving that he had taken sometimes less than 5 per. cent. never more;

more; on which he was admitted by the commissioners to prove his debt; and his character was cleared.

The discovery of the bank-notes, half with him, and half with Mrs. Ferne, seems remarkably providential. It was a casual meeting of Mr. Hewit, a principal creditor, with Mary Harris (late servant to Mrs. Ferne) on the Terra's-walk of Lincolns-inn-garden; where, leaning over the wall with dejected looks, she was observed by him, though an utter stranger to her, and asked what ailed her? she told him she had been turned out of her service by one Mrs. Ferne, and knew not where to go. This name excited his enquiry; in consequence of which she was directed to Mr. Cobb, Attorney for the assignees, and taken care of till she gave her evidence on the trial. She first informed them that the half bank-notes were somewhere concealed in Perrott's room in Newgate; and that the other half were with Mrs. Ferne in her house; to whom Perrott also had given the half of a 1000 l. note, in order to purchase the house of Sir John Smith, in Queen-square, then to be sold by auction. This, with the other particulars given in her evidence upon the trial, proves he was possessed of some fund, sufficient to supply these great expences.

Besides, when Mrs. Ferne's house was searched, which, by the way was furnished in a superb taste, (with an organ to play to her at dinner, &c.) the half notes were found there. And, what is somewhat curious, when taken before Justice Fielding, in order to be examined, and give an account how he came by these notes, she told the Justice in presence of the company
some

(some of title and figure) that one day taking the air in Hyde-park on her palfrey, with a white net-work over him, she was taken notice of by a gentleman in blue, richly dressed, trimmed with gold, who invited her to go with him; and, for the pleasure of her company, made her a present of a bill of 500 l. She particularly described another gentleman, who met her walking in St. James's Park, with whom she had another adventure of the same sort; the reward of which was another bill of the same value. And a third adventure she spoke of, produced a bill of 1000 l. Thus she accounted for 2000 l. property in herself; in a manner as credible as her friend Perrott's account of his transactions with Mrs. Powell.

From the day of his conviction, Perrott was moved from his chamber to his cell, in which he contracted a cold and hoarseness, became more fretful, impatient and querulous, and complained he was not visited at his own hours, and as often as he appointed. Under this apparent zeal for more public prayers, he had a scheme concealed, and not clearly opened to me till after his execution. He went on daily complaining, till the 1st or 2d of November, when orders were given by the Keeper, that the two criminals, Lee and Perrott, should be confined to their cells closer than ever, and not to be out longer than they continued in the Chapel.

On the 3d of November, after prayers, Mr. Perrott being called into the closet, in order to have some private conversation with him, would not come in, but asked angrily, what I wanted with him? for there should be no secrets between

tween us two. To this it was answered, God help you, I want none of your secrets, they are now too well known. He would scarce hear me speak, but interrupting, asked me again if I wanted him to confess his sins to me like a papist? and challenged me to shew, where the bible or church of England required any such thing. I immediately opened his own common prayer book, and pointed out particularly the exhortation to be read before the administration of the Holy Communion. These reasons silenced him for the present.

He was born at Newport-pagnel in Buckinghamshire, of creditable parents, by whom he was entitled to a fortune of 1500 l. He lost his father at the age of seven years, and a fond mother at the age of nine. He was educated under the care of a guardian, and then put apprentice to his half-brother at Hempstead in Hertfordshire.

Having served his time, he came to London, in 1747, and placed himself with a gentleman of great business in Cheapside, more for the sake of experience than as a servant. From thence he moved to Blowbladder-street, took a house and dealt for himself. After which he took a house on Ludgate Hill where he lived nine years; and here Mrs. Ferne lived with him some time.

He is said to have such a delicate palate, as to eat pease at five shillings a quart, even in Newgate; and though he did not seem to be a man of an ambitious turn, he affected the state of a king even there, not suffering the servant in waiting to turn her back at any time, but she must retire with her face towards.

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wards him. He was about the 38th year when he suffered; some days before which he owned, he had not been at church seven times in seven years.

November 10, Perrott was visited by two of his assignees, at different hours, at his own request, and also by several clergymen, who all endeavoured to bring him to some acknowledgment for the satisfaction of the injured.

To Mr. Hewitt, who visited him in the morning, and forgave him, he behaved with great submission and thankfulness, praying for and blessing him; and then answered him a particular question, relating to the half bank-note for 1000*l.* found in his trunk, and seemed so open, that he would answer me any question. This was before I admitted him to the communion, which soon after followed, and where he declared in the presence of a worthy clergyman, that he had given up his all to his creditors, and that it would be great joy to him, if he could add to it, if it was but 20*l.*

In the afternoon he was visited by Mr. Maynard, another assignee, who saw him with equal tenderness and compassion, forgave him, and prayed for him; and was received by Perrott with the same apparent sense of humility and gratitude. But when some particular questions were put to him by this gentleman, after a deep pause, Perrott said, I have this day received the Holy Sacrament, and will answer no more questions. On this change of behaviour, I had great doubt whether I should administer the Holy Sacrament to him the next morning or not; and having consulted some neighbouring clergymen, who had visited them that day, it

was brought to this point, that, if he would not acknowledge the justice of his sentence, he should not be admitted.

Next morning (being that of his execution) he acknowledged, with some difficulty, the justice of his sentence, his objection not seeming to arise from an opinion of his innocence, but from the illegality of the witnesses being interested in the issue, and the manner of convicting him by circumstances, as he said; which I told him were points of law, determined by an authority in which he ought to acquiesce. For a few days before he suffered, and to the last, he shewed a particular care and anxiety about his burial, which he desired to be in the church, at the place of his birth; and had chosen out some chapters and psalms to be used, with a text for his funeral sermon.

At the place of execution, when I first went up to him, he was looking round, and enquiring where his hearse was, about which being satisfied, he then called to a person on horseback, gave him a letter to Mr. Burton, and a red checked handkerchief for Samuel Lee, which, said he, I promised him for a token. Being asked, if he was well supported and comforted? answered, *I am, I bless God.* After the last blessing, he, at parting, thanked and prayed for me; and was soon launched into eternity.

Soon after his execution, the strict order for his confinement in the cells, and his imperious behaviour to me, was accounted for thus: that a party of seamen were hired to come and rescue him in the day-time, when brought down from the

the cells for chapel; by first securing the turn-key at the gate, forcing the keys from him, and then carrying off the prisoner.

He was executed in Smithfield Nov. 11.

The Trial of JOHN RICE, for Forgery.

JOHAN RICE, broker, was indicted, in April 1763, for forging and counterfeiting, and procuring, knowingly and wilfully, acting and assisting in forging and counterfeiting the name of Anne Pierce, a person then entitled to a certain share in the joint stock of South Sea annuites to a certain pretended letter of attorney, purporting to have been signed by the said Anne, and to have been sealed and delivered by her, and to be a letter of attorney from her the said Anne, to him the said John Rice of Exchange-Alley; with intention to defraud the governor and company of merchants of Great Britain, trading to the South Seas and other parts of America, and for encouraging the fishery, against the form of the statute, &c. Also with intention to defraud Thomas Brooksbank; and for feloniously endeavouring to assign and transfer the aforesaid annuities belonging to the said Anne Peirce, against the statute in that behalf, November 19.

John Henry Fenoulhet. I belong to the South Sea Stock-Office, and new South Sea annuities. On the 6th of November last, Mr. Rice came to me at my office at the South Sea House, and desired me to make out a letter of attorney for Mrs. Anne Pierce to sell 5000l. in South Sea

Sea annuities. He was to be the attorney. (*Is shewn a paper*) this is the very letter of attorney; I filled it up. He came to me between one and two in the afternoon, and told me the gentlemen at the old annuity office were gone, and desired me to fill it up for him, which I did immediately, and he took it away with him.

Henry Lowth. I am a clerk in the letter of attorney office for Old South Sea Annuities. This letter of attorney was brought to the proper office, in order for Mr. Rice to transfer by it. Mr. Rice acted upon it; he sold 500l. to Mr. Brooksbank; it was dated the 6th and acted upon the 10th; every letter of attorney must be brought a day before it can be acted upon. A transfer was made out by Mr. Rice to Mr. Thomas Brooksbank of Exchange Alley. I witnessed the transfer; (*the transfer book produced*) it is No. 94; this is my name; I either saw him write it, or he acknowledged it for his hand-writing. (*A receipt produced*) the whole of this is Mr. Rice's writing; he gave it me as a receipt for the stock. The receipt is as follows.

Old South Sea annuities, 10th of November 1762. Received of Mr. Thomas Brooksbank the sum of 419l 7s 6d being in full for 500l. in the joint stock of South Sea annuities, &c.

*Signed John Rice, attorney to Anne Pierce,
Widow, executrix of Henry Pierce.*

Witness R. Wabb,

Henry Lowth.

Samuel Bull. I am clerk to the Old South Sea annuities. It is my business to examine letters of attorney brought to transfer for stocks.

This letter of attorney was brought to me as one of the committee, and I signed it on the 8th of November, as believing it to be his hand writing. I wrote upon it *allowed*, and signed my name as allowing it. All the supervisors are appointed a committee to examine all letters of attorney, which must be allowed one day before they are acted upon, and it must be allowed by three, and signed by them.

Robert Montague. I am deputy accomptant. Mr. Rice having, by virtue of four letters of attorney, in the name of Anne Pierce, widow, and executrix to Henry Pierce, transferred the sum of 19,000 l. which letters of attorney were produced and shewn to Mrs. Pierce (when she appeared upon examination on the 27th of December last,) under which these several transfers were made, she declared her name to each, and every one of them was forged; she declared she never had any consideration money. And the company was advised, under that circumstance of the case, to make that stock good, which they did.

Anne Pierce. (*She takes the letter of attorney in her hand*) this name at the bottom is not my hand-writing. I am entitled to stock, as executrix to Mr. Henry Pierce; but never gave any letter to Mr. Rice to transfer these annuities to any body. Here is the probate of my husband's will. Since this, I have had stock transferred to me.

Thomas Wynne. I am a waiter at Sam's Coffee-house; Mr. Rice asked me to come up stairs. (*Is shewn the letter of attorney*) this my name at the bottom is my hand-writing. Mr. Rice
bid

bid me put my name down there. No body was present but he and I.

Q. Look at that Lady (*meaning Mrs. Pierce*) was she there?

Wynne. I never saw her in my life before now. After I had done, he bid me go down, and send up Edward Jones my fellow-servant. I did not know what I was putting my name to, nor did he tell me.

Edward Jones. I was a waiter at Sam's Coffee-house in November last; my fellow-servant told me Mr. Rice wanted me; I went up; Mr. Rice requested me to put my name under that of my fellow-servant's. He did not tell me for what; neither did I know what it was; I wrote my name as he bid me; only he and I were present.

Q. to Montague. Did you attend Mr. Rice when before my Lord Mayor?

Montague. I did upon his several examinations; this letter of attorney was there produced with others. My lord particularly asked Mr. Rice whether he knew whose hand-writing the name Anne Pierce was? he declared it was his own hand-writing. He was asked, who the witnesses were? he said, they were waiters at Sam's Coffee-house. He was asked if they had any reward? he answered no; they did it at his request, without fee or reward; and that he forged it without the assistance of any person whatever.

Mr. Rice, in his defence, only said, when I was at Cambray, they offered to protect me if I would change my religion. He then called Mr. Mitchel and Mr. Goodwin to his character. They both of them said, they had known

him for some years ; that he had transacted business for them with all possible honour and integrity, and never heard any thing amiss of him till this affair. Guilty, *Death.*

The Ordinary, in his account of Mr. Rice, informs us, that he imputed the beginning of his misfortunes to the spirit of gaming, or buying stock for a time, a practice so prevalent in the alley. He imputed his first shock, to a commission he had from Col.-----, Secretary to a foreign Ambassador. The difference paid by him on that occasion amounting to 2000 l. were never made good to him by his principal. This, with other like cases, put him upon devices to support his credit in the alley, to which he at last unhappily fell a victim ; devices which by repeated practice, and the fallacious hope of restitution, on a reverse of fortune in his favour, made him forget the fatal consequences of a detection. For when he had alienated any stock, for which he was employed as a broker, he punctually paid the interest when due ; and I am well assured he has replaced the principal also, in some stocks, without being suspected ; and had he not been unexpectedly surprized with the news of Mrs. Pierce's coming from Yorkshire, he might have gone as yet undiscovered, in hopes of recovering his losses, and preventing his fate.

One objection indeed rose strong against this hope being well grounded, as being utterly inconsistent with his unlimited expensiveness ; quitting the safe course of middle life, in which he owned he could fairly make 1000 l. a year ; and launching into high-life, which must demand five or ten times that income yearly, a

town-house in a genteel street, a country-house at Finchley, each adorned in high taste; a coach, chariot, and post-chaise, with several pair of fine horses for harness, besides saddle-horses, servants suitable, a negro, &c.

In the account he gave of his behaviour at Cambray, he said he had been imprisoned there for two months; that an overture was made to him from the bishop to embrace their faith, and conform to their religion; which he rejected with resolution; saying, he would rather lose his ears or his head. I commended him for adhering to his own principles; and hoped he might continue in the same good disposition. I put some proper tracts into his hand, beseeching him not to forget he was a *criminal*. Yet I found offence was taken, on account of the title and matter of them, called *a compassionate address to prisoners for crimes*. And therefore, I suppose, I saw him no more till his trial; being kept at the Poultry Compter till the morning it came on: an indulgence to which his ingenuous behaviour, and readiness to acknowledge and make satisfaction for all injuries to his utmost power, probably recommended him to the chief magistrate and prosecutors.

After he was brought in guilty, he looked up to the Bench with a most melting, piteous face, and many tears, imploring mercy, and the intercession of the Court with his Majesty to spare his life. He was answered with words of compassion for his family, his wife, and himself; but at the same time warned not to flatter himself with vain hopes of that mercy which was not to be expected: 'for considering your crime, and its consequences, in a nation where there

‘ is so much paper credit, I must tell you (said the Lord Chief Justice) I think myself bound in duty and conscience to acquaint his Majesty you are no object of his mercy.’ Adding, ‘ that all public companies concerned in paper credit, should take caution from this instance, as no doubt they will, to examine strictly all letters of attorney, and papers, wherein there can be any suspicion of fraud.

After this he was daily visited, and he duly attended at chapel. He set about preparing for his expected change with deep attention, both in common prayer and private devotion, and his behaviour was quite becoming a person in his case. He looked for the Death Warrant for some days before it came; and when it came, notice of it was kept from him for some short time, till Mrs. Rice, who was then with him, could be conducted home.

Mr. Rice was born in Spital-Square, educated at a private academy in the neighbourhood, and lived there till late, when he set up his equipage. His father was a man of fair character, and moderate fortune; was an upper clerk in the South Sea House, and did business as a broker in Change-Alley; his business in the latter enabled him to quit the former, and encouraged him to initiate his son, when a stripling, in the same business, to a considerable branch of which he introduced him; and dying about eight or nine years ago, left a handsome property in the funds, by the interest of which, with his regular and fair transactions as a broker, he had an income of 12 or 1500*l.* a year. But instead of enjoying this with safety and

and prudence, he would venture for more, by sporting, gaming (as it is called in the Alley;) so that, as he told me, his losses in the whole, by paying debts of honour, in that way, amounted to 60,000 l. He said, the commission of bankruptcy, taken out against him by his attorney, after he fled, was not by his order; and that he took not above the sum of 3 or 400 l. abroad with him; that Mrs. Rice, not knowing his case, but in general that something was amiss, was hurried after him with the bulk of what he had left in bank notes; that she got to the coast of Holland; but the hard frost with the ice on that coast, setting in, obliged the captain to cut his cables and run, leaving his anchor; he was driven back to Harwich, from whence she returned to London, fearing and suspecting no ill consequence; but quickly found herself taken into custody, and examined, having notes, to the value of 4700 l. as it is said, concealed about her stays; this she was obliged to surrender, which, with the produce of his effects, he apprehended would be applied to the account of the commission of bankruptcy.

On the morning of execution, his behaviour was placid and composed, pious and resigned, and he answered the particular questions proposed to him with an open freedom: As, whether a protection was really offered him, on the terms of conforming to their religion at Cambray? he answered, that it really was so at first, but that their zeal relaxed in proportion to the pressing and repeated demands of court to have him given up; and also on their discovering he was not so rich as they expected. Whether he had
any

any accomplices? this he still denied. To what value his forgeries amounted? he answered, to about 45,000 l.

His wife read to him, *Taylor's Holy Living and Dying*. He expressed a lively hope, and was endeavouring to confirm himself in it. His wife took leave of him the same night, and was prudently sent out of town early next morning. He had applied to have a coach to the place of execution; which not being granted, he expressed great indifference about it, and had a cart to himself, accompanied by a friend, who conversed with, and assisted him in the way. At the tree he was silent, except in prayer, till he was executed.

The Trial of PAUL LEWIS, for the Highway.

PAUL LEWIS was indicted, for that he with a certain offensive weapon called a pistol, on John Cook, wilfully and feloniously made an assault, with intent the money of the said John Cook to steal, against the form on the Statute, &c. March 12, 1763. To which he pleaded, Not Guilty.

He was a second time indicted for being an ill-designed and disorderly person, of a wicked mind and disposition, not regarding the laws and statutes of the realm, nor pains or penalties that should fall thereon; that he on the 12th of March last, with a certain pistol, loaded, did shoot at Joseph Brown, he being on the king's highway.

Joseph

Joseph Brown. I was going home on the 12th of March last to the parish of Wildsden; within about a quarter of a mile of my own home, the prisoner came up and clapped a pistol to my breast, and bid me stop. I said, for what? I shall not stop, this is my way home; he cried stop again. I said, it is not my intent to stop to you, neither will I be stoppt. I passed him, and went on; he came up on the side of me, and then shot at me *slap*, and by my horse's starting I fell, but fell on my feet. I turned about and saw Mr. Pope had got the prisoner in his custody; I went and took hold of him, and clapped my knee on his breast, and said, pursue the other, for there was another man in company with the prisoner that rode off. He pursued, while I was holding the prisoner on the ground; he begged for mercy, saying, he was a gentleman bred, and if I would let him get up, he would go with me wherever I pleased. I had not the presence of mind to search him. I let him get up; after which he clapped another pistol to my breast, and said, now, d---n you, I'll shoot you dead. I knocked the pistol from my body with my right-hand downwards, and as it pointed to my thigh, he snapt it, and it flashed in the pan, but did not go off. I immediately kicked up his heels, and clapt my knee upon his breast, and with my garters tied his hands and took his pistols; after which I delivered him into the custody of the constable. I took ten bullets and a bullet-mould from him; we found that the pistol he snapt at me was loaded with powder and one ball; these are the pistols which he had; *producing*
two.

Prisoner.

Prisoner. Whether I threatened to shoot you?

Brown. Not as I heard.

Prisoner. Did not you say, if I would give you money, you would let me go?

Brown. No, I did not.

Francis Pope. As I was going from London on the 12th of March, between five and six in the evening, I met a chariot near Mr. Godfrey's; a gentleman and lady were in it; the coachman said to me, take care; I turned my horse, and said, did you speak to me? yes, we have just been robbed by two highway-men; they are now waiting in the bottom, I would not have you go that way. I said, I must go that way; it is my way home. I went on pretty fast; when I came within a quarter of a mile of my own home, turning a short corner of the road, I saw two men sitting on their horses with masks on their faces; it did not much surprize me, because I expected to see them. I kept riding on, thinking I might release the man they then attacked; the prisoner discharged a pistol; I immediately saw Mr. Brown off his horse, and imagined he might be shot.

Q. Could you see what aim the prisoner took?

Pope. I could not distinguish that, but I saw the smoak pretty near Mr. Brown's head; with that I clapped spur to my horse, and rode up to the prisoner, took him by the collar, and pulled him down; his partner then made a retreat. Mr. Brown came, and called me by my name, and said, I'll take care of this man, do you pursue the other. I was off my horse, I
got

got up again, and pursued about three quarters of a mile; he found I gained ground of him, so quitted his horse and got into the fields, and I lost him; I got his horse.

Q. to Brown. Did he demand any money of you?

Brown. No, but he bid me stop.

Prisoner. This man is an atheist; he gives it out in the neighbourhood, that he believes there is neither God nor Devil. I think such a man's oath should not go in such a case.

John Cook. I was going from town when it was about sun-set. Two men came after me, and cried stop, stop. I looked at them, and saw they were masked; they said, we must have your money. I said, I am a poor man, and have no great matter of money. I pulled my money out; they both presented a pistol at me; they said, you have more; I said, I had no more; they said, they were sure I had. While we were in the discourse, one of them said to the other, go and stop that man; then Lewis went from me, and the other staid. Presently he said to me, don't stir, or go away, or to that purpose; he left me, and at that time I saw three men on the ground, and the other riding away. I went to their assistance; they sent to the Green, and assistance came.

Q. to Brown. Was the prisoner masked when he wanted you to stop?

Brown. He was, and also when he fired the pistol.

George Stoaker. I am constable; I was sent for to take the prisoner in custody; I found

found ten bullets, and some powder in his pocket.

Prisoner's Defence.

Seeing the evidence is so plain, I can say little to it; to be sure, when I saw Farmer Cook turn round the corner, I did fire at the horse, any one in my circumstances would have done the same; but I do declare I never had any intention to take the man's life. This thing has been so represented to my friends, that I have none here to speak for me; so I leave it entirely to the Court. Guilty, *Death.*

The Ordinary gives a very long account of the behaviour of this malefactor after his conviction; a great part of which consists in the many affronts he received from the prisoner in the course of his attendance upon him, and in the discharge of his office; his impious contempt and disregard of every thing sacred; his professed disbelief of the scripture, or making them the subjects of his prophane mirth. Having said this, we think it unnecessary to give a minute recital of the various instances produced to that purpose. We shall therefore only select such passages as best serve to characterize the man.

Paul Lewis, it seems, was reported to be one of ten children of a worthy clergyman in Ireland. But the Ordinary says he was born at Horsemanseaux in Sussex; and that his parentage and education were such as would have given him credit and advantage, had he not disgraced and disappointed them.

About the age of six, he was placed out at a good foundation school, where being received into the first form, when a gentleman in the
highest

highest went off to the University where he continued three or four years to take up his first degree of B. A. and returning to be usher in the same school found Paul Lewis still in the first form, where he had left him; such was his incapacity, so impenetrable his head to the rudiments of learning. For this reason, among others, when his period of seven years on the foundation was expired, instead of being sent to the University, his father took him home, where he with some of his brothers, being grown up to gay idle young fellows who must have money to spend, became suspected by the neighbouring gentlemen. This put them upon providing for them at a distance; and Paul was made a *Mon-trose* at Woolwich. As sprightly dunces often turn out fops and beaus, so Paul, by vying with his superior officers in dress, soon got into his taylor's books, to the amount of 150 l. which obliged him to decamp, and quit this genteel support. We hear of him next in the marine or sea-service, where several of his early feats of courage were boasted of, and some of more stratagem than honour: such as his collecting three guineas a head from his brother officers in a man of war, to lay in fresh store for a West India voyage, going a-shore to buy them, and forgetting to return to the ship.

It appears from several of his late ranting boasts, a few days before he suffered, that he valued himself much upon his well-laid schemes, to rob with safety and impunity.

Of this kind was the following fact. Being recommended, about a year ago, to the Lords of the Admiralty for preferment; while he waited about town, he settled himself at the Bull Ale-

house in the Borough, from before dinner till midnight; he had bespoke a horse to be ready for him at nine in the evening, in the same neighbourhood. Between eight and nine, he said to the people of the Bull, what have you got for supper? whatever it was, he pretended not to like it, but would step to his own lodgings, and get something he liked better. In this interval he rid out, robbed Sir T. H----y and son, in their coach going to Clapham, between Newington and Vauxhall, of cash and bank-notes to a considerable value, and quickly returned to the Bull. When tried for this fact, the people of the house swore he had been there that day 12 hours; o. a half hour excepted; in which the Jury judging it next to impossible he could commit the robbery, they acquitted him, tho' sworn to both by the gentlemen and their servants. Soon after, he was met by a friend and companion, who was glad to see him at large, and asked him which side of the evidence was forsworn? he answered, neither; *but he had got the buffle (meaning the cash) in his pocket.*

He had promised to write the history of his own life, and give it the Ordinary, for him to publish; but afterwards told him he designed to give it to another clergyman: to which the Ordinary answered, he hoped it would be such as should deter others from following his steps, and not allure them. He answered in these memorable words: 'if to tell them, that after the first fact he committed he was ever in fear, and under apprehension that every man he met, nay, every bush he saw, was a thief-taker---That should be the encouragement he would

‘ would give them; assuring them, that since he
‘ fell into this way, in which he had long reign-
‘ ed, he never could be easy.’

Lewis often pressed to be admitted to the Sacrement, but was as often refused, till he had given proofs of a better disposition for it than he had yet shewn.

In this interval a neighbour went with the Ordinary to Chapel, and observing Lewis’s indecent and obstinate behaviour, took the charitable freedom to reason with him after prayers, that his duty and interest should prevail with him to comply with those rules and directions given him for his own benefit, in which the Ordinary could have no private end or advantage. He answered him, whether I am fit or no, what is that to him? *D---n him, I shall lick him before I have done with him, if he don’t give it me.* In a word, his behaviour was such, as shocked every one who were witnesses of it.

On Saturday, May 1, says the Ordinary, I administered the Sacrament to Mr. Rice, and some others, when Lewis would have forced himself upon me to be admitted to it; and because I refused, he reviled me, and said, he would not be examined by a *Jacobite Parson*; adding, unluckily enough, *I am a true christian, as much as you are a scoundrel.*

The same morning, as I was assured by two gentlemen present in the Chapel, while I was in the closet between prayers and sermon, Lewis was boasting of his heroic spirit and genius for the highway, swearing he did not value his life, but to be disappointed; for it was a d---n’d well-laid scheme; it would have got us 1000 l.

in a week. And in less than half an hour after this he would have forced himself to the Lord's table, as before-mentioned.

Another instance of the depravity of this hardened villair, was, the trick he played off upon his own aged father, afflicted and depressed in himself, as he must be: when his father visited him for the last time in Newgate, he put 12 guineas into his hand for his present supply; the youth dextrously slipt one into the cuff of his sleeve, and then opening his hand to his father, shewed him *eleven*, saying, you have given me but *so many*; his father put his hand into his pocket, took out another guinea, and gave it to this ingenious artist; of which Paul soon after boasted, saying, *I have flung the old fool out of another guinea*. It is confidently affirmed that he made as free with his father's character, when he was at liberty, telling him, he only preached the money out of people's pockets. After all this (such was the profligacy of this incorrigible wretch) on the eve of his last day, he threatened me, *that he would take care I should never attend another dying criminal*.

On the morning of execution, soon after prayers were begun, Lewis was conducted up in a flurry to the Chapel, and came and kneeled opposite to me at the table, while I was repeating the petition of the Litany, 'from all false doctrine, heresy and schism; from hardness of heart, and contempt of thy word and command;---*Good Lord deliver us.*' The suffrage or response he repeated aloud, and it is hoped it reached his heart; he kept up his attention and fervency in making his responses through the Litany, till he came to this part of that admirable

able prayer for support under affliction, 'and
 'graciously hear us that those evils, which the
 'craft and subtilty of the Devil or man work-
 'eth against us, be brought to nought, and by
 'the providence of thy goodness they may be
 'dispersed; that we thy servants, being hurt by
 'no persecution,'---it was added, *no kind of suf-
 fering*. At these words, he dropped on his side
 by the table, and as he fell, he cried out, *O my
 family!* we took him up, set him on a 'sear, and
 used proper means to recover him; which being
 done, he kneeled down in the same place again.
 Soon after, he himself espied, lying by him on
 the floor, a new clasp-penknife, which seemed
 to have dropped from him when he fell. He
 held it up in his hand, with a look and gesture,
 to express his thankful astonishment for being
 prevented from making the use of it, which he
 would be understood to have intended it for;
 Mr. M---who kneeled near him, took it out of
 his hand.

He then explained to us, that Mr. Akerman
 by going into the cell to him when he was left
 alone, had prevented him from putting it to the
 horrid use for which he had kept it, in his
 pillow, ever since he was a prisoner; he shewed
 us the bosom of his shirt torn down for that
 purpose, and said, that when searched, he
 dropped it into his shoe, whence it flew out by
 his fall in the Chapel. He also pulled a paper
 out of his pocket, wherein he had transcribed
 some verses of the bible, wickedly wrested,
 and absurdly perverted, to justify the horrid
 crime of suicide; it was the account of Saul
 and his armour-bearer's death self-inflicted, 1 Sam.
 xxi. 4, 5.

As Lewis seemed now to return to his duty, and put on the penitent, he was questioned about his disposition to receive the Holy Sacrament; and, among many other questions, was asked, whether he had any accomplices? this he could not deny. Whether he did not think it his duty to discover and name them for the public good, and his own private peace of conscience, that they might be brought to repentance, or to justice? to this he answered, that he had wrote and sent to them all, to quit their wicked courses. But as to any thing more, they had all sworn to each other, by kneeling on the bible, with the most dreadful imprecations on him who should ever betray his fellows. That he had been now three years on the highway, and that he never hurt any one; denied that he was the person who shot the coachman through the hat; declared he had been ever true to his accomplices, and that the man who was false after such an oath, and such a league, merits damnation.

Presumptuous abuse! most absurd perversion of the bible! to kneel upon it, and swear to live in open violation of all its laws, and defiance of all its judgments! and imagine that this laid any obligation on the conscience, or bound to any thing but a most profound humiliation and hearty repentance. But there was no time now to come at and confute those capital errors of learning suicide, and the desecration and abuse of God's holy word, from the book itself. We must now be content with general expressions of repentance for all that is past, and earnest prayers for his pardon. By this and such means he was admitted to the holy sacrament, and seemed
to

to behave with compliance, and an humble and thankful submission. He now said, he would answer me any questions; and lamented the ill terms he had been upon with me hitherto.

Being brought to the place of execution, he was asked, if he had any thing to say to the spectators, by way of warning? Lewis spoke to this effect: ' This dreadful sight will not, I believe, invite any of you to come here by following my example, but rather to be warned by me. I am but twenty three years of age, a clergyman's son, bred up among gentlemen: This wounds me the deeper; for, to whom much is given, of him the more is required. My friends, I entreat you all, avoid such offences as may bring you here, for every cause, especially for the sake of your family. Let the memory of my evil action die with me, and do not reflect on my aged father. Hitherto I have been a disgrace to all that knew me. Were I to begin my life again, I should live an honour to society.' Soon after this he was launched into eternity.

A day or two before he suffered, he sent the following letter, directed to James Eyre, Esq. Recorder of the city of London.

Worthy Sir,

' I beg pardon for the liberty I have taken in addressing myself to you; but on seeing a person in court, who was the chief instrument of my ruin, shocked me so much as to prevent me from saying what I intended, before the dreadful sentence was passed on me. I am sorry I have occasion to mention my family,

' mily, or my services to my country ; but hope
 ' your condescension will be such as to pardon
 ' the intrusion. As I am descended from Laud,
 ' Archbishop of Canterbury, in the reign of
 ' K. Charles I, and from the Roberts's and
 ' Walpoles ; my grandfather, on my mother's
 ' side, was chaplain to the Tower of London ;
 ' and on my father's side, chaplain to Lord
 ' Scarborough ; my present father, chaplain to
 ' a noble peer, and has many more children,
 ' most of whom have served the government
 ' all this war : Humbly hope, that in regard to
 ' an antient, and no less reputable family, you
 ' will report me to his Majesty as favourable as
 ' the circumstances of this unhappy affair will
 ' admit.

' Being kept so many sessions before tried,
 ' and afterwards kept in for debt, drove me to
 ' such distress, as to render me destitute of the
 ' necessaries of life ; and finding my character
 ' gone, never to be retrieved in England, my
 ' intention was, as soon as I could get a little
 ' money, to go to Admiral Lewis (a near re-
 ' lation of mine) in the Russian service,
 ' and to have retrieved my character in that
 ' country, which I unfortunately lost in my
 ' own.

' Therefore, Sir, I must again entreat you to
 ' intercede with his Majesty in my behalf, that
 ' I may be transported for life ; and as I am not
 ' 23 years of age, should I be so happy as to
 ' experience his Majesty's lenity, hope yet to
 ' prove myself a friend to society. When a
 ' man, Sir, is bereft of his character, despised,
 ' and disarmed, forsaken of all his friends, any
 ' action

‘ action he does must partly be connected with a degree of madness.

‘ If this should not be enough to prejudice you on my behalf, I hope, Sir, when I acquaint you, that I had the honour of serving his late and present Majesty for seven years, as Cadet, Midshipman, and Lieutenant; and, as far as my abilities would allow, ever discharged my duty; particularly at the taking of Senegal, the burning the ships in Conallen Bay, the reduction of Cherbourg, the unfortunate Battle of St. Cassé, the siege of Guadaloupe, and the engagement under Sir Edward Hawke, and several engagements with privateers and frigates; these my services, I hope, will induce you to endeavour to save my life, which may be the means of preventing my poor brothers and sisters from being orphans, and the grey hairs of my aged parents falling untimely to the grave. Which intercession on my behalf shall be ever gratefully acknowledged by

‘ Your most unfortunate, and distressed

‘ Humble Servant,

P. LEWIS.

The Trial of WILLIAM CORBETT, for Murder.

AT the assizes held at Kingston for the County of Surry, on Thursday the 29th day of March, 1764, WILLIAM CORBETT, late Mariner and Shipwright, was indicted, for that he, on the 25th day of March, did make an assault

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assault, and wilfully, maliciously, and feloniously, did cut the throats of Henry Knight and Anne his wife, contrary to the king's peace, &c.

He was a second time indicted, on the Coroner's Inquest, for feloniously slaying the said Henry Knight and Anne his wife.

He was a third time indicted for feloniously stealing, taking and carrying away, in the dwelling-house of the said Henry Knight, divers pieces of foreign gold coin, called moidores, thirty-six shilling pieces, &c. and monies, of the current coin of this kingdom, plate, consisting of table-spoons, tea-spoons, &c. Wearing apparel, and other goods, the property of the said Henry Knight as the parish and county aforesaid.

Sarah Martin deposed, that she was servant to the deceased, and that she had lived with them some time; that the prisoner, being a lodger in the deceased's house, he came there in the evening, and called for a pint of beer, and while he was drinking it, one Mr. Hall soon followed, who was asked by the prisoner to drink with him, at the same time desiring to know, if Mr. Hall had not been a ship-mate of his; to which he reply'd, I think I have; and then they drank to each other; that after Mr. Hall was gone, the prisoner desired to have a pint of hot made; and this deponent, Sarah Martin, was about to make it: but her mistress told her, that she herself would get it ready, and desired her to go to bed, and when the house was close shut up, she went up to bed, and her mistress soon followed, her master being gone to bed before, as was his custom, because he used to rise generally the first

first person in the morning to get purl ready for the customers; this being between the Saturday and Sunday, it was not customary for them to open the house so soon as on working-days, that she arose and came down stairs about seven o'clock, and seeing no person below, she was surprized; that on going up stairs, she saw the dismal scene of her master and mistress being murdered, their throats being cut, and many other marks of violence appearing on their bodies; she immediately alarmed the neighbourhood; the prisoner was gone, the drawers ransacked, and the things were in great confusion about the room; that no one being in the house but herself, she was suspected; but it pleased God that the prisoner was apprehended the same day, at the Six Bells, near Mill-Pond Stairs, Rotherhithe, and such convincing proofs of his guilt appeared, that any further apprehension of her being concerned in this bloody transaction, soon ceased; that on the prisoner's being carried before Samuel Gillam, Esq; a worthy justice of the peace in Rotherhithe, he was examined, but denied, at that time, having any knowledge of the murder or robbery; notwithstanding some of her master's cloaths, money, and other things, were found upon him, which he pretended was given him by two men that he saw come down early in the morning out of the deceased's house; which men, he said, he had little knowledge of; he then charged Mr. Thomas Hall with being concerned in this unhappy affair, but could not make any proof of it; for Mr. Hall behaving always as an honest man, he was generally believed, by the whole neighbourhood, to be intirely innocent, as more fully appeared when the

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the jury, summoned by Harvey Acton, Esq. Coroner of the county, sat on the bodies of the two deceased, to take an inquisition of the said murder. The maid gave her evidence in a very clear and distinct manner, and the prisoner asked no questions of her, as he had confessed the murder and robbery, in all their horrid circumstances, on the Friday before his trial.

Robert Knight deposed, that he was the son of the deceased ancient couple, and that he was positive the things that were found upon the prisoner, when he was apprehended, were the property of his late father and mother.

Thomas Hall deposed, that he was drinking at the house of the deceased, with the prisoner, on the Saturday night, and that he left him pretty late, there being no one to his knowledge in the house, except the servant maid, the prisoner, and Mr. Knight and his wife.

It appeared by the evidence of other witnesses, that the apparel found on the prisoner was the property of the deceased; and it appeared further on plain evidence, that Corbet, after he had perpetrated these murders and Robbery, went over the water.

The waterman deposed, that the prisoner hired him at Parliament Stairs in Rotherhithe, early on Sunday morning, and agreed to give him six-pence and a pot of beer to carry him to Billingsgate, and that he jumped into the boat, and bid him row all the way under shore, 'for that 'would be the barber:' when he was landed at Billingsgate, he went to an alehouse in Darkhouse-lane, where he drank very plentifully, and was pretty much intoxicated; after which he desired to go to bed, which was not refused him, as the public-houses about Billingsgate sit up all night

night to lodge and entertain passengers, who go down and come up the river by water-carriage to Gravesend, or elsewhere,---that when the prisoner arose in the morning, he called for liquors, and some coffee, and behaved himself very irregular and outrageous, threatening to cut a man's throat who refused to drink with him; and after some time went away from that house on the Surry side of the water, where there was a diligent search making after him, not only in that neighbourhood, but in many parts of the town, where sea-faring persons are suspected of hiding themselves, after they have committed any atrocious crime, particularly search was made about Rag-Fair, Salt-petre Bank, Church-Lane, Whitechapel, Kingsland-Road, the Lodging-house in the Purlieus of St. Giles's in the Fields, and other suspected places; but while this was doing, Corbett was secured on the Surry side on Sunday afternoon, and safely conducted to, and secured in the New-Gaol, at the same time stilly denying his having any knowledge of either the murders or the robbery.

It further appeared, by the evidence of a waterman who brought him from Billingsgate, that the prisoner, when he was in the boat, desired that he might be landed in Rotherhithe, and bid him make all the haste he could, at the same time enquiring of him, if he had not heard of a dismal fire there; the waterman said he had not heard of any fire. No! said the prisoner, (in a seeming surprize) I have some friends there, and I am going to assist them all that is in my power.

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During the course of the examination of the witnesses, the prisoner asked very few questions, having before given up all hopes of saving his life: And, after a short hearing, the Jury found him guilty of the two indictments for the murder of Mr. Knight and his wife, and also guilty of the indictment for robbing the house. Death.

Immediately after the verdict was given into Court, sentence was passed upon him to be hanged, and afterwards to be dissected and anatomized; but the latter part of the sentence was altered, and he was ordered to be hung in chains.

William Corbett, about 38 years of age, was born in the town of Portsmouth, in New Hampshire in America, and originally brought up to the business of a Shipwright, being the occupation of his father and uncle. The account he gave was, that his mother dying when he was but a stripling, he did not meet with good usage from his master Mr. James H---ghes, which induced him to run away, with two other lads, from New Hampshire to Connecticut in New-England, where he shipped himself on board a sloop, ----- Husley, commander, and went a voyage or two, as a sailor, on the American coast, but his wages amounting to little or nothing, and being half starved on board of the ship, he deserted at Boston in New England, and hired himself as a servant to one Mr. Inwood, who was a considerable dealer in Lumber; which used to be carried from thence to divers parts of the West-Indies, and in two of Mr. Inwood's vessels, he went several trading voyages, with very little profit to himself, and
not

not with more satisfaction to his master, who detected him, more than once, of committing divers thefts on ship-board, and severely punished him by whipping, &c. a practice and discipline much used in that part of the world, upon youth that cannot be restrained by fair words and good usage. He was, about this time, in the 15th year of his age, and had been guilty of many crimes, which he said one of his age would blush for, that had either sense of their duty to God or man; but being brought up, in his infancy, among as bad a set of people as live on the face of the earth, he had no better notion of honesty or morality than to steal and carry off what he conveniently could come at; for those friendless lads, who are engaged in the sea-service, are obliged to put up with what they can get, both as to apparel and provisions, from their masters, and oftner meet with cruel stripes than any encouragement, let their behaviour be ever so deserving.

He continued these trading voyages on board different vessels, till he was near twenty years old, and had never saved twenty shillings that he could call his own; and was all that time a poor miserable wretch, that had scarcely garments to hide his nakedness; but the seamen, in that part of the world, have little regard to their dress, so they can get their swill of liquors, especially spirits, to the drinking of which he was greatly addicted, even from his childhood, and to such excess, even before he was sixteen years old, that his brains were sometimes distracted; and in the frantic drunken fits, he used to be very mischievous, but the particu-

lars he was unwilling to discover. He was asked, if he had been guilty of any murder, or other enormous offence in America, or any part of the West-Indies, to which he declined giving a direct answer, and said, he had a load of guilt on his conscience, sufficient to torture the breasts of twenty men, who might have a better way of thinking than he had; for that his life had been one continued scene of wickedness, ever since he could distinguish good from bad; that his different evil ways had led him from one crime to another, till he had been guilty of the murder of the two persons who had succoured him, and entertained him in their house, when he was friendless, and very poor and penurious.

He said that the last voyage he made in America, was to Newfoundland, with Cap. Warton, on the Fishery in the year 1756, on board the Loyal Kitty, a ship fitted out for that purpose, who, for her construction and a prime sailer, was the best bottom he ever went in, to that part of the world; with this gentleman he might have been very happy, but as his usual method of drinking, and intolerable behaviour, increased upon him, he was discharged at St. John's, tho' his commander had otherwise a great liking to him, as he was an expert seaman, and very useful as a ship carpenter. He said that he might have lived very happy at St. John's Harbour, which is the capital of the island of Newfoundland, and chiefly inhabited by the subjects of the crown of Great Britain, and is a fine commodious harbour, commanded by several strong forts, and a boom that shuts it up from the invasion of enemies. The climate is
much

much the same as in England, but the inhabitants are but thin, there being but few towns (St. John's excepted) on the whole island. Here he worked at his business as a carpenter, in repairing fishing-boats, and other craft that were employed in that service, but he so lavishly spent what he earned, and run himself so much in debt, that he was under a necessity of getting on board a ship in the night-time, bound to Barbadoes, or he must have been put into prison. This vessel landed him at St. Michael's, which is the capital of Barbadoes, and is the best peopled of any of the American islands that he had ever been at, and provisions are to be had there, if a man has where withal to purchase. Here he used to drink such draughts of rum, that he was twice taken up for dead, by his immoderate drinking. This way of life he continued 'till he was obliged to quit the island for his bad behaviour. He had sailed in many parts of the American Seas, and the last place he came from to England was Halifax, in Nova Scotia, where he had worked several years, as a ship carpenter, but with no greater reputation than he had done in different parts of America. He came over in the King's Fisher, a Merchant sloop, commanded by Captain Waddilove, and received between seven and eight pounds when he came into the River Thames, which he spent very profusely amongst very bad company in Rotherhithe and Wapping. When this trifle of money was exhausted, and best part of his cloaths either pawned or sold, he got into a gang of men that are employed in rigging ships in the river; but being discovered to be a great pilferer, he was dismissed from that employ,

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having been detected in purloining some ship stores, of which other men were suspected. He then made a voyage to Rotterdam, which was the only one he made since he came to England.

After this he got employment in some of the ship-builders yards on the river, but behaving very indifferently, he was discharged, and then commenced servant to a bomboat-man, who sold things on the river, but his master, being as great a rogue as the man, got into prison for receiving goods that had been stolen on the River Thames, a short time ago.

Some weeks ago he procured lodgings at the deceased's, Mr. Knight's, at Rotherhithe, where he had not lodged long before he was determined, as soon as an opportunity offered to murder the whole family, which consisted only of the master and mistress, (who were ancient people) and their servant maid: And as he was a stout lusty raw-boned fellow, he imagined he should meet with but a feeble resistance; as to the maid, he could not find out where she lay, or she would have certainly shared the unhappy fate of her master and mistress. The old gentlewoman, he said, he first murdered, by cutting her throat, and giving her several wounds in the breast and body, three of which (as the surgeon swore on the trial) would have proved mortal, if her throat had not been cut. The old gentleman he murdered, by almost cutting off his head with a saw that he found in the bed-chamber, (having mislaid the knife.) He could not particularly tell the hour in which he did the murder, for it was some time before he had finished plundering the house, ransacking
the

the drawers, and putting on some of the linen and cloaths of the deceased: he supplied his pockets pretty plentifully with money, and thinking he had got sufficient to support him, he went out of the house, and purposed to go down the river, to effect which he went to Billingsgate, in order to get on board a boat to go to Gravesend, or elsewhere, that he might be out of the reach of his pursuers, before the people in the neighbourhood had got an alarm of the murder; but he was at that time so much in liquor, and his conscience so much touched at what he had done, that he became senseless and stupid, and knew not which way to steer his course to avoid falling into the hands of Justice. In short, he was so much intoxicated, that he could not particularly tell the circumstantial particulars of the murder.

On Monday in the afternoon, being the 27th of March, he was conveyed in a coach from the New-Gaol, and re-examined before Mr. Gillam, but no persuasions could induce him to confess these horrid transactions, he persisting to charge innocent persons with the murders and robbery, though Justice Gillam, and another worthy Magistrate, Nicholas Leach, Esq; of Rotherhithe, did all in their power to bring him to a confession of his crime, and expostulated with him to ease his conscience, and clear the innocent, whom he had accused, by making an ingenuous confession, but all their remonstrances had no effect upon him; notwithstanding the most strong and corroborating circumstances appeared against him.

It is something very extraordinary, that this unfortunate wretch could not be brought to a confession

confession of this horrid fact before he came to Kingston to take his trial at the assize there. When he was conveyed down in the waggon with the other prisoners, he appeared deeply affected, and sometimes wept, and refused to hold up his head, on account of the gazing multitude, who were assembled in great numbers, in all places that he passed along to take a view of him. When he came to the Stockhouse-Prison at Kingston, he was secured in one of the strongest appartments in the gaol till his trial should come on, which was expected to be on Saturday the 31st of March; but a gentleman who had used great diligence in the apprehending and bringing him to justice, having got admittance to him in the gaol on the Friday afternoon, prevailed so far with him (which no one could do before since his being in custody) that he was brought to make an ingenuous confession of the whole affair, so far as his memory would permit, he being very much in liquor at the time of the commission of the fact, which has been related before, and is the most exact account of the whole matter, that he was capable of giving; for as no one else was witness of the horror of this striking and tragical scene, it must be presumed that what the guilty man said was truth, especially when supported by the evidence that appeared against him, which, tho' only circumstantial, was the strongest that ever came before a Court of Justice: for, in cases of murder, or indeed any other capital offence, that comes to be tried, circumstances are always admitted as evidence, so far as they carry any weight of probability; but if they fail in that, and the matter seems doubtful and leans in be-
half

half of the party accused, in such case, the prisoner is acquitted of the charge.---But there never seemed a man loaded with more guilt; for on the Saturday morning, when he was brought to court, in expectation of being tried, he appeared the most despicable and miserable creature that any person ever set eyes on: being remanded back to prison till Monday, some well-disposed persons were admitted to pray with him, and to explain the enormity of his crimes, he being entirely ignorant of all religious matters, having, during the whole course of his life, been a very wicked and disorderly liver, and had scarcely ever heard, with attention, the word of God, for, instead of attending the church, he used to spend the Lord's day in some brothel or other, in debauchery, with infamous people of the same stamp with himself.

It must be confessed, that when he was awakened with the sense of his sin, and the horror of his guilt, that he appeared deeply affected on being told, that if he launched into eternity, without a sincere repentance, he must endure eternal torments. He seemed greatly grieved on the accusation he had made against innocent people, heartily and humbly asked their pardon, and begged their forgiveness of this his great offence.

This unfortunate man had been a great company-keeper, and given to gaming very much, whereby he gained money and goods of several unwary persons, both before and since he came to London. He enticed servants to rob their masters, and sell the goods, and then would help them to spend the money in the greatest lewdness and debauchery. He confessed, that

he had lived in fornication, frequenting the company and the houses of harlots, and said two young men (both sailors) who he used to drink with suffered a shameful death at Tyburn but a short time ago; and confessed, that it was his firm belief that the sin of sabbath-breaking, drunkenness, and whoredom, did draw upon him that of shedding blood, which he acknowledged was the most terrible of all crimes.

He appeared since he made his confession, to be tolerably easy in his mind, and had a deep sense of that horrid bloody fact which he had committed, which he loaded with all the blackest aggravations that could be, especially with this consideration, that, for ought he knew, he had destroyed both the bodies and the souls of the deceased people, with the blow; for though he had some short time allowed him by the law to obtain a repentance, he had not afforded the people he murdered one moment to beg pardon at the hand of God.

A reverend clergyman attended him in the Stockhouse Prison at Kingston, at all convenient opportunities, during the short interval of time that was allowed for his being there, and to instruct him in the most proper way to make his peace with the Almighty. This gentleman's admonitions struck very deeply on the spirit of this dying malefactor, who said, that as he had neglected the good word of God, he attributed all these terrible misfortunes that had come upon him. He was greatly comforted when many texts of scripture, both from the old and new testament were laid before him and explained, and told, that by a sincere and unfeigned repentance he might obtain pardon of his offences, through

through the merits and intercession of his Saviour and redeemer Jesus Christ.

The evening after his condemnation these texts of scripture were read and explained to him, viz. the 14th verse of the 51st psalm, which are the words of Holy David, *deliver me from blood-guiltiness, O God, thou God of my salvation, and my tongue shall sing aloud of thy righteousness.* John vi. verse 27. *And him that cometh to me, I will in no ways cast away, &c.*---As were also many others, particularly the 8th chapter of Romans, all which he heard with great attention, and gave thanks to those that were kind enough to instruct him; and indeed it must be acknowledged, so far as one can see into the heart of a man, that he appeared, on the whole, to be heartily sorry for his manifold sins and transgressions, particularly the murder for which he suffered.

It was expected that Corbett, after he had received sentence of death on the Monday, would have been executed at the gallows on Surbiton Common, near Kingston; but the assizes not ending till the Tuesday night very late, an order was made that the prisoner should be conveyed to the common gaol for the County of Surry, and there kept till Friday, and then to suffer pursuant to his sentence; which sentence was altered from dissection, that he should be hanged up in chains. Accordingly, on Wednesday morning, about nine o'clock, he was brought in a Post-Chaise from the Stockhouse Prison at Kingston to the New Gaol in the Borough, and put into the condemned room. It is incredible, what a number of people had assembled at Kennington-Common, expecting
Corbett

312 *Trial of WILLIAM CORBETT,*

Corbett would have been executed, it having been mentioned in all the news papers that his execution was appointed for that day.

Soon after he came to the New Gaol he was visited by a Reverend Doctor of Divinity, to whom, after some time spent in prayers, he confessed the murders and robbery in all their horrid circumstances, as has been before related.

The following letter he sent to a young woman at Rotherhithe, who, as he said, he intended to have married, had not this shocking affair prevented it.

‘ I hereby solemnly declare, and will, at the
‘ last moment of my life, that no person (only
‘ myself) was the person that did the murder of
‘ Henry Knight, and Ann, his wife; and I
‘ hope to God, for the prayers of all good
‘ christian people. I own that I am willing to
‘ die for these murders, and justly deserve the
‘ execution of the sentence that has been passed
‘ upon me. My dear Hannah B--dle, I hope
‘ to God, you, and your father, will join with
‘ the rest of your friends, to pray for my de-
‘ parting soul, that it may be at rest. So, my
‘ dear, this is the last, from your dying friend,

WILLIAM CORBETT.

I acknowledge that I endeavoured to set the house on fire.

Nothing very material occurred, during the confinement of Corbett in the New-Gaol, after he was brought from Kingston, except this circumstance: a penny cord was found in his trowsers; and being asked what he proposed to do with it, he gave an evasive answer, and said he had brought it with him from Kingston; and would give no further account of that matter.

As there had been many idle reports propagated, and indeed some silly papers published in print, that Corbett had been guilty of several murders, beside that of Mr. Knight and his wife, these questions were proposed to him.

1. Whether he had murdered his wife and two children in the West-Indies?-- his reply was, "it is a false accusation;---I never had any wife in the West-Indies, nor did I ever commit any murder there."

2. If he was concerned in, or had any knowledge of, the murder of Susanna the widow of Leonard Walker, who was murdered five years ago at Rotherhithe, of which murder her niece, Mary Edmondson, was convicted and executed?---his reply was, "I am innocent of that affair;---I was abroad, far from England, at that time."

3. Was you concerned, or have you any knowledge of the murder of Mr. Watson, late the Toll-Collector at Mary-le-Bonne Turnpike, who was murdered some time ago?---his answer was, "I am a stranger to that part of London, and consequently do not know any thing of the matter."

And, notwithstanding the different reports about town (since the conviction of this man) of his having been guilty of other murders, besides those for which he suffered, he declared that he never had done any murder before this unhappy affair of Mr. Knight and his wife: but he owned that he had committed divers petty felonies, and mean robberies, both in England and America, but nothing capital, as he apprehended, to the best of his knowledge.

On the day of execution, a little after eleven in the morning, he was conveyed in a cart from the New-Gaol to Kennington-Common, and there executed. He confessed the murder of Mr. Knight and his wife, acquitted every one of the charge, as principals or accessaries, in that cruel affair. After about sixteen minutes spent in prayer he was turned off, to account to that awful and tremendous judge who knows the secrets of every heart. When the body was cut down, it was brought back to the New-Gaol, to be fixed in irons, and early the next morning it was hanged up on Galley-Wall, near Mill-Pond-Bridge, in the New Road leading from Rotherhithe to Deptford.

The Trial of JOHN PRINCE, for Forgery.

JOHN PRINCE was indicted, for feloniously forging and counterfeiting a certain bill of exchange, for the payment of 125 l. and publishing the same, well-knowing it to have been forged, with intent to defraud Robert Mackoun, July 8.

The steps, by which this well-known offender was brought to justice, are remarkable: he was apprehended, about the 12th or 13th of September, on account of a fraud only, at the suit of Mr. Richard Marthe, hosier, near Temple-Bar, for obtaining from him a parcel of silk hose, by false pretences. It was no easy task to lay hold of a man long practised in much greater frauds, and yet evading the hand of justice. Prince (who always flattered him-
self,

self, and looked on his own actions in the most favourable light,) said, he had not fair play on that occasion. At least he was inclined to think so, because the consequence of his being taken up for this fraud, brought to light a worse crime, which proved fatal to him. He said Mr. Marshe had taken out warrants against him, and way-laid him in three or four counties, as well as the city of London; that about this time he was seen casually passing through Fleet-Street, by Mr. Marshe, who pursued him, with an hue and cry of stop thief, and was taken in a publick house under that character, where he stepped in for shelter; whereas, said Prince, he had no right to consider me as a thief, but only his debtor. However, he was taken before Sir John Fielding, and being examined, was committed to the Gatehouse, Westminster, September the 13th 1763, for obtaining from Richard Marshe, by false pretences, silk hose to the value of 13l. and upwards. By this time the transaction of the forgery began to be looked after by the injured party, and, like a mine, was ready to be sprung, and involve the miner in its ruin. Prince was now advertised to be re-examined the 15th, at the very time Mr. Mackown was meditating how to prosecute this forgery; who seeing the advertisement in a news-paper, which he took up in a coffee-house, attended at Sir John's, and produced this bill. Prince being examined on it, said, Bricklen (the supposed drawer of the bill,) was gone into Yorkshire. It now probably appeared before the Magistrate, by the same evidence, afterwards given on tryal, that Prince had told the prosecutor two different stories about the

drawer of this bill; the first was, that Bricklen and Co. were great distillers and brandy-merchants, living near the watch-house, in Moorfields; that they served Orcher-ton, the acceptor of the bill, who then kept the Rose Tavern, in Cursitor Street, with rum and brandy. This being proved false, on enquiry, no such persons as Bricklen and Co. to be found, and Orcher-ton gone aside; the second story was, that Bricklen in truth was an outlawed smuggler, but was worth three or four thousand pounds, and the bill would be paid when due, and that he lodged in some lane or alley near Moorfields. This was equally true with the former; and now, being urged by the necessity of the case, to produce this drawer of the bill, he said he lived in the country, and was gone into Yorkshire. The bill was to this purport:

“ London June 3, 1763.

“ Three months after date pay to Mr. John
 “ Prince, or his order, the sum of one hun-
 “ dred twenty five pounds sterl. and place the
 “ same to account of,

“ Sir, your most humble servant,

“ G. Bricklen and Co.”

“ *To Wm. Orcher-ton, at the Rose*

“ *Tavern, Cursitor Street.*

“ Accepted, William Orcher-ton.”

This bill had been passed by the prisoner to the prosecutor, instead of 100 l. cash, payable by way of deposit to bind a bargain and sale of an estate, near Long Ford, Middlesex, in the Windsor road, about 15 miles from London. The terms of this sale had been agreed upon in a memorandum, of which the seller had given the buyer a copy, signed by him. On discovery

covery that the bill was bad, the former would have returned it to the latter, on condition of recovering his memorandum again; but this was wilfully and obstinately refused by Prince, who insisted on his bargain; for that he had friends who would raise him the money when the bill became due. The bill was now due nine days before this examination, as appears by the date in the face of it; and yet neither he nor his friends had paid it, otherwise we should probably have heard nothing of this prosecution. This is here mentioned to demonstrate the audacious temper and effrontery of this prisoner, who persisted, after his conviction, to assert, "that it was no forgery, but a good bill, and would have been paid had it been demanded when due; and that it never was demanded;" which is contrary to the whole tenor of the evidence on trial. But if this assertion had any appearance of truth, it was a mere fallacious evasion; if it was not demanded, it was because none of the parties, by whom it was payable, could be found. On this issue the prisoner himself put the affair at the time of this examination, when he pretended that Bricklen was gone into Yorkshire, and desired five or six days might be allowed him till he should return, or be found. Sir John granted him eight or nine days, and also proposed, if the prisoner would give him an account what part of Yorkshire he was in, he would send an express for him, at his own expence; for, as he told the prisoner, it was a matter that nearly concerned him; this kind offer was not accepted, because it could not be complied with. At this examination Orcherton, the keeper of the Rose Tavern, in

Curfitor freet, was produced. Some words dropt from him, which caused him to be fecured as an evidence at leaft, if not an accomplice in the forgery; he fet forth, that he had known the prifoner only fince May laft, that he wrote the body of that bill of exchange, and accepted it with his own name; but G. Bricklen and Co. was not on it at that time, nor did he ever remember to hear of that name, till he faw it on the draught with Mr. Mackoun's Attorney; confequently, that he had never dealt with Bricklen and Co. for brandy and rum, as the prifoner had pretended. Orcherton alfo now opened the pretences, by which he was drawn in by Prince and his affociates, to write this, and fome other bills of the fame nature, to the amount of 500 l. which was, to raife money for Prince to purchafe the houfe Orcherton then lived in, being advertifed for fale, and, when purchafed, it was to be mortgaged for money to pay off thofe bills. This was to be for the ufe and benefit of Orcherton, to prevent his being turned out of the houfe. Prince was remanded back to the Gatehoufe for further examination; but would not yet be perfuaded to think, or feem to believe, that his cafe was any way dangerous. In converfation between Prince and Orcherton, as they were carried in a coach together, a kind of difpute or quarrel arofe; Prince charging Orcherton with giving evidence too feverely againft him, and the other infifted it was truth: and charged him with having been the occafion of great loffes to him, by which he became a bankrupt; adding, "that he would not think much to be banifhed, for the fatisfaction to fee him hanged."

Prince,

Prince, forward to catch at any thing that might break the force of so pointed an evidence, considered this hasty and vindictive expression, as sufficient to invalidate his testimony; and therefore had subpoena'd witness to prove it on his trial. But Orcherton having, of his own accord, acknowledged it in his cross examination, and accounted for it by a sudden passion he was put in, for being sent to prison on account of these notes, which Prince induced him to write, and also explained himself, that he did not mean to have him hanged unless he deserved it, the objection seemed to lose its weight.

Prince being searched when charged with the forgery, a paper, seeming with secret practices and dark deeds, was found upon him, which, as it tended to confirm Orcherton's evidence, in relation, to the company that used to frequent his house with Prince, and their practices, was also read at the close of his evidence on the trial, to the purport following: 'An agreement between Samuel Fisher, Edward Hart, George White, and John Prince, concerning dividing the money that should be raised by a bill, or bills, drawn by the prisoner, and the expences how to be paid.' An occasion will offer itself, in the course of this account, to compare some names in the aforesaid paper with another curious piece dictated by Prince, and by means of which his respite of three weeks was obtained.

On his next examination before the justice, no Bricklen, no drawer of the bill being found or traced out, and the presumption of a forgery rising proportionably higher, he was committed to Newgate toward the latter end of September;

when

when the gaol being sickly, he caught the distemper, which occasioned his trial to be put off, he being reduced so low in health that it was believed he could not live to be tried. During this interval, there was no opportunity for any one to converse with him, he being either disabled by sickness, or (like the bulk of the other prisoners) disinclined to think of his duty in the chapel, till after trial and conviction. His trial at length came on in January sessions. Beside what has been said, it was proved, that all possible enquiry was made for Bricklen and Co. but they were not to be found by the prosecutor, or his clerk, and it was proved positively, by an old inhabitant, of twenty years, near the watch-house, Moorfields, that no such person was in that time known to live there. The prisoner only said in his defence, that he lived in an alley beyond the watch-house, and produced two witnesses, to prove they had seen the prisoner in company with a person of that name, above a year since, and that he was a dealer in horses; and one of them believed the signing of the bill to be like his hand. But this did not come up to the point, nor prove such persons as Bricklen and Co. to exist under the description and character given by the prisoner, of the drawers of the bill, and therefore it was determined he had forged the person; and no such person appearing, he was found guilty.

The Ordinary gives this account of him: That it appeared from his conversation, from his incapacity to read common English with propriety, or write a plain hand, that he was

of

of a more ignorant and low-bred class than he found it his interest to assume in the several scenes he had gone through. From his being known to have been a draper on Ludgate-hill, or a warehousenian in Bread-street, one would form an idea of a man of suitable birth and education. And this pretence he still endeavoured to support; for being asked one day, whether he had served his time to a draper? he answered no, he had learned it by being bred up and travelling among the woollen manufacturers; that he was born in Wiltshire, and there educated with his father, came to London at the age of eighteen or twenty years, and having lived sometime a rider, he then set up the business on his own account. The truth is, he came to town a raw country young fellow, about twelve years ago, and was first employed in a considerable print-shop kept by Mr. O--v--n, facing St. Sepulchre's church, as a menial servant, and acted as footman and porter to carry out parcels, and used to ride journeys with his master, to carry his portmanteau. In this service he was thought to be rather heavy and stupid, than capable of those pranks, which he has since had a part in playing off. When he had lived here about a year, he got another place at a Draper's and Sale-shop in Houndsditch, and from thence he moved to a like place in Dury lane, much in the same capacity. In these two latter places he learned so much of the business as to open a shop for himself on Ludgate-Hill, which much surprized all who knew him from his beginning; and puzzled them to account, whence the capital should arise to enable him to venture on such a house.

But

But this blaze, having served his turn, was soon extinguished, and the house shut up in darkness. This is said to have been about the year 1760. His next step was to remove to Godalming in Surrey, where, out of the spoils already picked up, he dealt in corn and flour to London, having purchased a mill for that purpose, and was getting money apace; this held on for about eighteen months, and he told me he might have done well here, and continued so, had not some of his former companions, ever restless, and seeking whom they may devour, found him out, and came down to extort a sum of money from him, or threatened to blow him. He not answering their large demands, they exposed him, as one who had been a bankrupt and in gaol, &c. He was soon pointed at by his neighbours and others (with whom he had hitherto kept up his credit) as one who had *been so and so in London*, and was now come down to cheat *the country*. This obliged him to sell his mill and decamp; and he added, that gol. of the price was still due to him, which he hoped they would pay his wife. Of her he always spoke with tender concern, and, to aggravate his sorrows, said they had three children; the last of which died of the gaol distemper, caught by being with his mother to visit him in the prison. It is known and generally believed, that this convict had been too frequently and deeply concerned with several persons, some of them before named in the paper found in his pocket when taken, in sundry frauds and forgeries to procure goods, to get possession of effects and estates on counterfeit securities, and then raise money upon them. One of their most successful methods was to put on the guise of
con-

considerable dealers and persons of property, to strike a bargain, pay down some cash in hand, and give bills for the rest, which, on enquiry, proved much like the bill for which he was convicted. This he seemed conscious of, when he endeavoured to account for his conviction on other principles than those of justice and law; for he insisted on being innocent of any forgery in this case; but, said he, I was unfortunately connected with a set of bad people, and had but a *light character*, and it was determined that some one must die, and I *am singled out to fall a sacrifice*. By whom and what number of men this was determined, he did not explain; but often hinted, that a person concerned in his prosecution was no better than he should be. Several exploits in their way are reported of this set of confederates.

On the morning of execution, when put in the cart, he appeared intent on his book, and regardless of any thing that passed around him. There were few spectators here in comparison, and fewer at the place of execution; this execution being scarce known, or expected by the public.

When brought to the tree, he seemed calm and chearful; and owned that he was very easy. And being asked, whether he now acknowledged the justice of his sentence? he answered, there was no fraud intended, nor forgery committed; but as his king and country had found him guilty, he submitted. He added, that nothing lay heavy on his conscience, nor had he any concern, but that dear, worthy, good creature he left behind him; to whom, he assured me, he was married whatever malicious report may say to the contrary.

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trary, The usual proper devotions being performed, in which he joined and also the surrounding people, he looked round with a calm countenance, but seemed to want words; he then said, "The peace of God be with you all; I wish you more grace than I have had, and not to come to this sad end which *I have brought myself to.*" Then having received the last benediction, he quietly resigned his life and suffered his sentence.

The Trial of WILLIAM LEWIN, and HENRY FOSSET, *for Privately Stealing.*

WILLIAM LEWIN and HENRY FOSSET were indicted at the Old Bailey, March 9, 1764, for stealing 12 pounds of bohea tea, 5 pounds of gree-tea, 4 pounds of wax-candles, &c.

John Langrig. I am a headborough of St. Giles's parish. Between the 7th and 8th of March, I was with Mr. Marsden: I took Lewin somewhere by Golden-lane: he had a bag with him: I asked him what was there? he said it was tea: we examined it, and there were three parcels of tea, a parcel of coffee, pins, fans, and other things: we had an information against him.

George Ringwood. I live in Cheapside, by Foster-lane; I am a fan-maker. I had an order to deliver forty-two fans to Mr. Lamden, in the Poultry, to be sent to Chichester, with some of his things; there is my hand-writing with them, (*Forty-two fans produced*): here is my bill of parcels;

cels; those are the same I delivered to Mr. Lamden, by her order, and packed with his goods, to be sent by Mr. Quinnell, the waggoner, to Chichester.

Richard Hill. I am servant to Mr. Walington. I carried a parcel of wax-candles, by my master's order, to Mr. Lamden's, at the corner of Grocer's alley, to be packed up with his goods, to go to Chichester: (*A parcel of candles produced*) these are part of them: here is my hand-writing on them.

Edward Lamden. I keep a china and glass-shop. There were some teas and other goods that I sold to Mrs. Jowel at Chichester; she had bought some other things, and desired I would pack them together, and send them by the waggon: and by the appearance of these things produced here, these seem to be the goods (*he takes up some empty bags*): these I believe to be the bags the teas were in: the teas are re-delivered, in-order that they should not be spoiled: here is one or two of them with my mark on them: the size also answers: they were put into a box: there was a parcel appeared to be fans, and another parcel of pins, by the form of them, and some wax-lights: the coffee, as well as the tea, was sold by me: I packed them together, and sent them by my servant, Humphry Thomas, to the inn, to be delivered to the waggoner, to go to Chichester.

Humphry Thomas. On Thursday, the 8th of March, I carried a box to the White-hart, in the Borough, to go by Mr. Quinnell's waggon.

Q. to Langrig. Did you find these things in a box?

Langrig. No, I found them in a bag, on the prisoner.

Lewin, Guilty, Transportation.

Fossett, Acquitted.

HENRY FOSSETT a second time, and BARNARD SOLOMONS, were indicted for stealing a wooden box, and seventy-two pounds weight of tallow candles, the property of Robert Bull, December 4.

Holton Vere. There was an order came to me on the 8th of December, to send a box of candles to Mr. Doltrey, a druggist, in Cannon-street; they were sent on the 10th: (I live in Bear-street, Leicester-fields, and am a tallow-chandler): my man carried them, and brought the money that afternoon; and some time after Sir John Fielding sent for me, and shewed me two or three candles, and asked me if I could swear to them; as to that I could not do it, but they seemed to be the same.

John Simpson. I live with Mr. Doltrey. We bought the candles for Mr. Smith, of Huntingdon: I delivered them myself to Mr. Bull's porter: I believe there were six dozen of them: they were directed to Mr. Smith, surgeon, at Huntingdon. Mr. Bull is the waggoner.

John Wheatley. I am porter to Mr. Robert Bull: he sent me to the chymist's to fetch the candles: I brought them safe to the inn-yard, at the Cock, in Aldersgate-street. I set them down, and went and told my master in the kitchen of them: he came and looked at them, and when we came to load the next morning, they were lost.

Thomas Lloyd. Mr. Solomons, Mr. Fosset, and I, took those candles away, on a Saturday night, a little before Christmas, about 8 o'clock, from the

the Cock-inn yard, Aldersgate-street. Solomons had seen it before, and he came and fetched Fosssett and I: we went on purpose to fetch that, and carried it by turns, to a house on the other side Bishopsgate, hard by Stoney-lane, where Solomons is acquainted; we uncorded the box, and looked at it, and saw it was candles; then we left it there, and went to the Coach and Horses, in Shoreditch, to the house of Richard Swift, and told him what we had got; he bid us bring them: then we went to Bishopsgate-street, and gave a shilling for a basket, and put the candles into it, and all three of us carried them to Swift's house, and he bought them: he gave us four pence halfpenny a pound.

Fosssett. This fellow was taken up for picking of pockets, when the Prince of Brunswick was married: he was an evidence against his own brother, and was tried for stealing a handkerchief.

William Steers. I bought a parcel of candles of Richard Swift, about two days before last Christmas-eve: there were about five dozen and a half of them. Swift told me they belonged to Fosssett and Solomons; I said that was nothing to me, who they belong to; I was to give five-pence halfpenny a pound for them: I gave him 30s. for them.

Q. Where did you agree for them?

Steers. In Swift's own house.

Q. Does Swift deal in candles?

Steers. He said they did not belong to him; he had them to sell for Fosssett and Solomons.

Fosssett. Steers is the greatest rogue in England; he bought a pocket-book and bills, which Brinklow was tried for.

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John Adams. I heard Fosssett acknowledge before Sir John Fielding, that he was concerned with Lloyd, in taking away those candles from the Cock.

Fosssett's Defence.

That man is a thief-taker. I suppose they all belong to M'Daniel and Berry; I never was along with Lloyd in all my life.

Solomon's Defence.

I never was in company with Lloyd in my life; no man ever saw me in that villain's company.

For Fosssett.

John Townsend. I have known Fosssett twelve or fourteen years: I know him in the capacity of a drover: I never heard any thing amiss of his character till now.

For Solomons.

Barnard Moses. I have known Solomons above fourteen or fifteen years: he bears a very honest good character, and always worked honestly for his bread. *Both Guilty, Transportation.*

RICHARD SWIFT was indicted for receiving the said candles, well knowing them to have been stolen.

The same evidence was produced on this trial to prove the fact.

Prisoner's Defence.

In regard to Mr. Steers, he, about fourteen months ago, was tried for stealing three India bonds of an hundred pounds each; he brought people to swear he bought them of a Jew; he got discharged from it, and since that he has turned evidence, since he brought people to perjure themselves. He was an evidence last sessions against Dick Hitchin. I had no occasion to go and buy
candles

candles to sell again; as I kept a public-house, I could use them myself. Mr. Fielding owes me a grudge; he advertised me ten guineas reward; he once offered to allow me 50l. a year to be one of his informers; this is the 5th time I have been here, and never nobody appeared against me before. Lloyd has been taken up for picking of pockets, and has been five weeks in the Gatehouse. I heard at the Blakeney's-head, that Sir John said; if it cost him 500l. he would never leave me till he had transported me. I never saw one of these candles; the candles were found in Steers's house; he buys stolen goods; he proves it; last sessions he bought all the hats stolen out of Lombard-street.

To his Character.

John Park. I believe I have known Mr. Swift 14 or 15 years.

Q. What is his general character?

Park. I have heard people say a good deal of harm, and a good deal of good of him; he has been at my house five hundred times; I never knew any harm of him.

Robert Skeets. I have known him about six years; I never knew any harm of him in my life; I used to saw out his box-wood for him; he is an ivory turner, and used to make fishing-reels.

He was transported for fourteen years.

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